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PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT SPECIAL INVESTMENT REGION BILL, 2009.

GUJARAT BILL NO. 1 OF 2009.

A BILL

to provide for establishment, operation, regulation and management of large size Investment Regions and Industrial Areas in the State of Gujarat; and to specially enable their development as global hubs of economic activity supported by the world class infrastructure, premium civic amenities, centers of excellence and proactive policy framework; and for setting up an organizational structure with that purpose and for matters connected therewith or incidental thereto.

It is hereby enacted in the Sixtieth Year of the Republic of India as follows :-

CHAPTER I PRELIMINARY

1. (1) This Act may be called the Gujarat Special Investment Region Act, 2009.

Short title and commencement.

(2) It shall be deemed to have come into force on the 6th January, 2009.

Definitions.

2. In this Act, unless the context otherwise requires-

- (a) "Amenities " means basic and essential services including but not limited to roads, bridges, bypasses and underpasses, drainage, water supply, collection-treatment-discharge and disposal of industrial, institutional and township waste, health, education, transport, disaster management, parks, green areas, gas pipeline, entertainment, hospitality, recreation, industrial parks, townships and institutional areas and other facilities of conveniences as the Apex Authority may specify;
- (b) "Apex Authority" means the Special Investment Region Apex Authority constituted under section 5;
- (c) "Award of project" means awarding, allocating, assigning, transferring and leasing a project or work for execution, operation, management or maintenance under this Act;
- (d) "Concession Agreement" shall have the same meaning as assigned to it by clause (b) of section 2 of the Gujarat Infrastructure Development Act, 1999;
- (e) "Developer" means a person or entity with whom a concession agreement is entered into or a project has been awarded and for which such other agreement is entered into for furtherance of the objectives of this Act;
- (f) "Economic Activity" means the activities and services including but not limited to industrial, manufacturing, commercial, financial, processing, packaging, logistics, transport, tourism, hospitality, health, housing, entertainment, research and development, education and training, information and communication, management and consultancy, corporate offices and the activities and services connected therewith or incidental thereto and other economic activities as the Apex Authority may specify;
- (g) "Government agency" means a Corporation or a body owned or controlled by the State Government or an authority established by or under any law of the State and includes a local authority;
- (h) "Industrial Area" means an area of more than fifty square kilometers and less than or equal to hundred square kilometers and having or proposed for predominantly economic activity;
- (i) "Infrastructure projects" means any project or facility, utility, amenity or service which is required or desirable for smooth, productive and efficient functioning of the Special Investment Region and includes such projects within the Special Investment Region, connecting the Special Investment Region or required for it;
- (j) "Investment Region" means an area of more than hundred square kilometers and having or proposed for predominantly economic activity;
- (k) "Local Authority" means and includes a Village Panchayat declared under clause (14) of section 2 of the Gujarat Panchayats Act, 1993,

Guj. 11 of 1999.

Guj. 18 of 1993.

Municipal Council and Municipal Corporation having jurisdiction and falling within the Special Investment Region;

- (l) "Occupier" means a person who is in the legal possession of a site or building in the Special Investment Region and includes his successors, transferees and assignees;
- (m) "Periphery Area" means the outer area of Special Investment Region declared as such under section 27;
- (n) "Person" means and includes an individual, an entity, a company, firm, organization, association, society, establishment, institution including Government agencies carrying on business or economic activity in the Special Investment Region or entrusted with any work under the provisions of this Act;
- (o) "prescribed" means prescribed by rules made under section 33;
- (p) "Regional Development Authority" means the Regional Development Authority constituted under section 8;
- (q) "Regulations" means the regulations of the Apex Authority made under section 35;
- (r) "Special Investment Region" means an Investment Region or an Industrial Area declared under section 3;
- (s) "Special Purpose Entity" means a legal entity formed under the Companies Act, 1956 or registered under other relevant Acts to execute particular infrastructure projects;
- (t) "Unit" means a unit set up by a person for the purpose of carrying on any economic activity in Special Investment Region and includes an existing unit whether established before or after the commencement of this Act;
- (u) "User Charges" means the charges levied by the Regional Development Authority, a Developer or any other entity authorized for that purpose under this Act.

1 of 1956.

CHAPTER II DECLARATION OF SPECIAL INVESTMENT REGION

3. (1) The State Government may, by notification in the *Official Gazette*, declare an existing or proposed Investment Region or Industrial Area to be a Special Investment Region and determine the geographical area of the Special Investment Region for carrying out the purposes of this Act. **Declaration of Special Investment Region.**
- (2) An Investment Region or Industrial Area declared as a Special Investment Region may be known with the name of its location or its predominant economic activity.
- (3) Every notification issued under sub-section (1) shall be laid before the State Legislature as soon as may be after it is issued.
4. (1) A Special Investment Region declared under this Act, except the village site area (*gamtal*) of a Village Panchayat, Municipal area and Municipal Corporation area declared under the provisions of respective **Special Investment Region to be out of jurisdiction of local authority.**

State laws, shall cease to be under the jurisdiction of a local authority to the extent it relates to the provisions made in this Act.

(2) While preparing the development plan for the Special Investment Region, the Regional Development Authority shall take into account the development plan, if any, prepared by the respective local authority for the concerned village site area (*gamtal*) of the village Panchayat, Municipal area and Municipal Corporation area and the adjacent area thereof:

Provided that the State Government may declare the adjacent area of a village Panchayat, Municipality or Municipal Corporation from time to time.

CHAPTER III ESTABLISHMENT OF APEX AUTHORITY

Establishment
of Apex
Authority.

5. The Gujarat Infrastructure Development Board (GIDB) established under section 17 of the Gujarat Infrastructure Development Act, 1999 is hereby declared and designated as the Special Investment Region Apex Authority (hereinafter called "Apex Authority") for the purposes of this Act.

Guj. 11 of 1999.

Powers and
functions of
Apex Authority.

6. (1) The Apex Authority shall exercise all powers conferred on it and discharge all functions assigned to it for any Special Investment Region declared under the provisions of this Act.

(2) Without prejudice to the generality of the foregoing powers, the powers and functions of the Apex Authority shall also include -

- (i) to make regulations to give effect to the provisions of this Act;
- (ii) to make regulations for development, operation, regulation and management of the Special Investment Region within the State and for development of infrastructure within the Special Investment Region;
- (iii) to approve, with or without modification, the plan for use of land in the Special Investment Region or its peripheral area on receipt of the proposal from Regional Development Authority;
- (iv) to approve, with or without modification, the development plan, the Town Planning Scheme and the General Development Regulations prepared and proposed by the Regional Development Authority;
- (v) to grant permission and approval for any economic activity, amenity or infrastructure projects to be established in the Special Investment Region including integrated development in a large area in the Special Investment Region;
- (vi) to approve with or without modification, the agreements to be entered into by the Regional Development Authority or by a Government agency or submit the same to the Gujarat Infrastructure Development Board for its recommendation under sub-section (2) of section 5 of the Gujarat Infrastructure Development Act, 1999 for the project specified in Schedule I of the said Act and the regulations made thereunder in this regard;

Guj. 11 of 1999.

- (vii) to ascertain and fix the rates and approve, with or without modification, the user charges proposed by the Regional Development Authority, a Government agency or the Developer of infrastructure projects;
- (viii) to propose with its recommendation to the State Government for making such provisions with respect to proper development, operation, regulation and management of the Special Investment Region;
- (ix) to monitor the development of the Special Investment Region and issue necessary directions to the agencies involved;
- (x) to exercise such other powers and perform such other functions that may be required for development, operation, regulation and management of the Special Investment Region and as entrusted to it by the State Government.

7. (1) The Apex Authority may appoint an Executive Committee and such other committees or sub-committees consisting of such number of its members for efficient performance and exercise of its powers conferred under this Act as may be determined by regulations.

Appointment of Executive Committee and other committees.

(2) The Apex Authority may, instead of appointing an Executive Committee under sub-section (1), designate the Executive Committee of Gujarat Infrastructure Development Board constituted under section 25 of the Gujarat Infrastructure Development Act, 1999 to be the Executive Committee of the Apex Authority for the purposes of this Act:

Guj. 11 of 1999.

Provided that the core functions of the Apex Authority such as approval and modification of Development Plan, Town Planning Scheme and the General Development Regulations shall not be delegated to any committee of the Apex Authority.

CHAPTER IV CONSTITUTION OF REGIONAL DEVELOPMENT AUTHORITY

8. (1) The State Government may, by notification in the *Official Gazette*, constitute a Regional Development Authority for the Special Investment Region area declared under section 3.

Constitution of Regional Development Authority.

(2) Every Regional Development Authority constituted under sub-section (1) shall be a body corporate and shall have perpetual succession and a common seal, with power to acquire, hold and dispose of movable and immovable property and to contract, and by the said name, to sue and be sued.

(3) The State Government may, instead of constituting a Regional Development Authority for an Investment Region or an Industrial Area, designate a Government agency or Government company as the Regional Development Authority and empower it to exercise all the powers and perform all the functions as specified in section 15.

**Headquarters
of Regional
Development
Authority.**

9. The Headquarters of the Regional Development Authority shall be at such place as the State Government may, by notification in the *Official Gazette*, specify.

**Appointment
of members in
Regional
Development
Authority.**

10. The Regional Development Authority shall consist of the following members, namely:-

- (i) the Chairperson, to be appointed by the State Government;
- (ii) the Vice-Chairperson, to be appointed by the State Government;
- (iii) two officials of the State Government, to be nominated by the State Government, *ex-officio*;
- (iv) an officer to be nominated by the Apex Authority;
- (v) a person having experience in administration, to be nominated by the State Government;
- (vi) two non-officials who possess experience in area development and regional planning, to be nominated by the State Government;
- (vii) two representatives from the industry and business sector, to be nominated by the State Government;
- (viii) a Member-Secretary who shall be an officer of the State Government, to be appointed by the State Government. The Member-Secretary shall be the Chief Executive Officer of the Regional Development Authority, *ex-officio*.

**Term of office
and Conditions
of service of
members.**

11. (1) The term of office and conditions of service of the Chairperson, Vice-Chairperson, the Chief Executive Officer and members of the Regional Development Authority shall be such as may be prescribed.

(2) The appointment, remuneration, allowances and conditions of services of the officers and employees of the Regional Development Authority shall be such as may be prescribed by regulations.

**Meeting of
Regional
Development
Authority and
transaction of
business.**

12. The Regional Development Authority shall meet at such time and at such place as the Chairperson may determine:

Provided that the procedure with regard to transaction of business at its meetings including quorum at such meeting shall be such as may be laid down by the Regional Development Authority in consultation with the Apex Authority.

**Constitution of
Committees.**

13. The Regional Development Authority may constitute an Executive Committee and such other committees consisting of such number of its members for performance of its functions as may be determined by it:

Provided that the core functions of the Regional Development Authority such as preparation of the development plan, town planning scheme and the General Development Regulations shall not be delegated to any other committee of the Regional Development Authority.

14. No act or proceedings of the Regional Development Authority and any of its committees shall be invalid or vitiated merely by reason of –

- (a) a vacancy therein or any defect in the constitution thereof, or
- (b) an irregularity in its procedure not affecting the merit of the case.

Acts and proceedings of Regional Development Authority and committees presumed to be valid.

CHAPTER V POWERS AND FUNCTIONS OF REGIONAL DEVELOPMENT AUTHORITY

15. (1) The Regional Development Authority shall secure planned development of the Special Investment Region and shall take steps for its effective regulation and efficient management so as to bring and enhance general welfare, convenience, productivity and excellence.

Powers and functions of Regional Development Authority.

(2) Without prejudice to the generality of foregoing provisions, the Regional Development Authority shall undertake the management and planning of land resource and infrastructure of the Special Investment Region.

(3) The Regional Development Authority shall, in particular, exercise the following powers and perform the following functions, namely:-

- (i) to classify and earmark the area of the Special Investment Region for various purposes and usages including economic activities, amenities and community services as it deems fit;
- (ii) to prepare the development plan for whole or part of the area of the Special Investment Region;
- (iii) to undertake preparation and execution of town planning scheme for whole or part of the Special Investment Region;
- (iv) to regulate the development of the periphery area of the Special Investment Region;
- (v) to acquire, hold and manage moveable or immovable property as it may deem necessary subject to general or specific directions of the State Government in this regard;
- (vi) to acquire land in the Special Investment Region, by sale, lease, grant, allocation, donation, town planning scheme, consent agreement or through proceedings under the Land Acquisition Act, 1894 for the purposes of this Act;
- (vii) to sale, lease, transfer or dispose off any land or building belonging to it subject to the regulations made by the Apex Authority;
- (viii) to carry out surveys in the Special Investment Region for the preparation of development plans and town planning schemes;
- (ix) to prepare, issue and implement the directions, the standards and the norms for building structures, infrastructure development and other construction activities in the Special Investment Region;
- (x) to enter into contracts, agreements or concession agreement with any person, entity, developer or organization as it may deem necessary for performing its functions;

- (xi) to execute, co-ordinate and supervise works in connection with infrastructure or provision of other services and amenities in the Special Investment Region ;
- (xii) to provide for disaster management and mitigation in the Special Investment Region ;
- (xiii) to levy and collect such fees, development charges, or user charges as may be ascertained and fixed by the Apex Authority under clause (vii) of sub-section (2) of section 6;
- (xiv) to remove encroachments and constructions not duly authorized or made in violation of the regulations, directions and norms laid down by the Regional Development Authority;
- (xv) to make arrangements for observance and promotion of safety, order, health and environmental safeguards within the Special Investment Region ;
- (xvi) to guide, assist and co-ordinate with other authorities functioning in the Special Investment Region in matters pertaining to planning and use of land and development of the Special Investment Region;
- (xvii) to control the development activities in accordance with the development plan and to bring aesthetics, efficiency and economy in the process of development;
- (xviii) to ensure and make provision for sufficient civic amenities and services including hospitals and medical services, schools, fire services, public parks, markets and shopping places, play grounds, entertainment areas and disposal of waste and provision of drainage;
- (xix) to make sustainable arrangements for providing and maintaining the highest standards in civic amenities and services particularly for cleanliness, aesthetics, health and hygiene;
- (xx) to make enquiry, inspection, examination or measurement of any land and building in any part of the Special Investment Region ;
- (xxi) to exercise such other powers and discharge such other functions as may be prescribed by rules or regulations.

(4) (a) Notwithstanding anything contained in the relevant State Acts, rules or any existing instructions of the State Government, the Regional Development Authority may frame its own General Development Regulations and the same shall prevail for developments in the Special Investment Region .

(b) Every person, unit or Developer or any other stakeholder in Special Investment Region shall be required to get the plans of the building approved by the Regional Development Authority before commencing any construction and shall obtain the approval of the Regional Development Authority necessary and incidental thereto, after the completion and before the use of such premises.

(c) For the purpose of this section and with any other requirement for proper planning, management and development of the Special Investment Region, the Regional Development Authority may issue such direction or

instruction as it may consider necessary to any person, unit, entity, Developer or any other stakeholder in the Special Investment Region and the person, unit, entity, Developer or, as the case may be, the stakeholder shall be bound by such directions.

16. (1) No person or entity shall erect or occupy any building or structure in the Special Investment Region in contravention of any building norms made by the Regional Development Authority.

No erection, etc. by any person or entity without permission of Regional Development Authority.

(2) Notwithstanding anything contained in any other State law for the time being in force, no person or entity shall erect or occupy any building or structure within the Special Investment Region except with the previous permission of the Regional Development Authority.

(3) A person desiring to undertake building operations or erection or occupation of any building or structure in the Special Investment Region referred to in sub-section (2) shall seek prior permission of the Regional Development Authority.

(4) The Regional Development Authority may, after making such inquiry as it deems necessary, grant the permission on such conditions as it may deem fit or refuse to grant such permission.

(5) (a) Any person aggrieved by the decision of the Regional Development Authority under sub-section (4) may, within fifteen days (including public holidays) from the date of decision, may prefer an appeal to the Disputes Resolution Forum set up under clause (2) of section 25.

(b) The Disputes Resolution Forum, after hearing the Regional Development Authority and the aggrieved person and considering all relevant facts, may accept or reject the appeal filed under sub-section (5) or modify the decision taken by the Regional Development Authority.

(c) In case of rejection of appeal or modification of the decision of Regional Development Authority under clause (b) above, the aggrieved person may prefer second appeal to the Disputes Settlement Mechanism set up under section 26 within fifteen days (including public holidays) of the decision of the Disputes Resolution Forum.

(d) The Disputes Settlement Mechanism after hearing the Regional Development Authority and the aggrieved person, may accept or reject the appeal. The decision taken by the Disputes Settlement Mechanism shall be final and binding to the parties.

(6) In case any person does anything contrary to the decision given under sub-section (4) or (5), the Regional Development Authority shall have power to pull down, demolish or remove any erection made contrary to such decision and recover the cost of such pulling down, demolition or removal from the person concerned.

17. (1) The provisions of the Gujarat Town Planning and Urban Development Act, 1976, shall *mutatis mutandis*, apply with respect to the

Application of President's Act No. 27 of 1976.

Development Plans and to the Town Planning Schemes made under this Act.

(2) The power exercisable by the State Government for sanctioning of Development Plans and Town Planning Schemes under the Gujarat Town Planning and Urban Development Act, 1976 shall be exercisable by the Apex Authority.

President's Act
No. 27 of 1976.

(3) The Regional Development Authority shall be "Appropriate Authority" for the area comprising of Special Investment Region for the purposes of Gujarat Town Planning and Urban Development Act, 1976 as so applied to this Act.

President's Act
No. 27 of 1976.

CHAPTER VI PROCEDURE FOR SETTING UP OF UNITS AND AMENITIES IN SPECIAL INVESTMENT REGION

Setting up of
units and
amenities in
Special
Investment
Region.

18. (1) The Apex Authority shall be the single point of contact for starting an economic activity or setting up a unit, amenity or infrastructure in the Special Investment Region.

(2) Any person who intends to start an economic activity or set up a unit, amenity or infrastructure project in the Special Investment Region or who intends to undertake integrated development as per the provisions of section 23, shall make a proposal in that regard to the Apex Authority or the agency specified by it in such form containing such particulars, and in such manner and along with such fees as may by regulation prescribed by the Apex Authority.

(3) The Apex Authority, on receipt of a proposal made under sub-section (2) shall examine the same and approve with or without modification or disapprove the proposal. The Apex Authority shall communicate its decision to the concerned person and the Regional Development Authority as early as possible.

(4) The Regional Development Authority, on receipt of communication of approval from the Apex Authority, shall offer the concerned part of the land, premises, facilities or amenities to the concerned unit or person.

(5) The Apex Authority may offer the package, schemes or incentives for an economic activity, amenity or infrastructure in the Special Investment Region as per the existing policy or directions of the State Government.

Units and
amenities of
Special
Economic Zone
in Special
Investment
Region to be
governed under
relevant Act.

19. (1) Notwithstanding anything contained in this Act or the rules or regulations made thereunder, units and amenities set up in a Special Economic Zone and falling under the Special Investment Region shall continue to be governed by and shall avail the benefits under the Gujarat Special Economic Zone Act, 2004.

Guj. 11 of 2004.

Guj. 11 of
2004.

(2) The Developer of the Special Economic Zone shall take into account the development plan prepared by the Regional Development Authority while finalizing the infrastructure within and adjacent to the Special Economic Zone and its peripheral area declared under clause (ii) of section 2 of the Gujarat Special Economic Zone Act, 2004.

CHAPTER VII DEVELOPMENT AND EXECUTION OF INFRASTRUCTURE PROJECTS

I of 1956.

20. (1) The State Government may set up or designate Government agencies including companies formed under the Companies Act, 1956, as the Project Development Agencies and assign them the powers and functions relating to Project Development of a Special Investment Region including those specified in sub-section (5).

Project
Development
Agencies.

(2) The State Government may form or designate a Nodal Company out of the project development agencies and companies mentioned in sub-section (1), to act as the project development agency for projects relating to all the Special Investment Regions in the State.

(3) The Nodal Company shall carry out its functions under general or specific directions of the Apex Authority and shall assist the Apex Authority and the State Government in undertaking project related task.

(4) The Nodal Company shall act in close co-ordination with Apex Authority and give all support and guidance to the Regional Development Authorities and other agencies, Developers and entities involved in the task of development of projects relating to the Special Investment Regions.

(5) The functions of the Nodal Company may include the following, namely:-

- (i) conceiving and detailing of the Projects;
- (ii) assessing the techno-commercial and economic feasibility;
- (iii) financial structuring of projects;
- (iv) environmental issues and Solutions;
- (v) implementing the projects or awarding them to other developers or entities;
- (vi) global marketing of the Special Investment Regions, the Projects in and connected with the Special Investment Regions;
- (vii) raising finances from the market including financial and multilateral institutions;
- (viii) promoting and bringing in Private Sector Participation in projects within or connected with the Special Investment Region;
- (ix) entering into contracts and agreement with other entities for any of the purposes assigned to it;

(x) taking or suggesting any other steps for effective implementation, marketing and management of the projects connected with the Special Investment Region.

(6) Any entity proposing to undertake the development of infrastructure projects in the Special Investment Region or connected thereto shall make the proposal in that regard to the Apex Authority.

Transfer of assets to Government company for infrastructure development.

21. (1) The Regional Development Authority may transfer its assets including the land granted by the State Government, its agencies or a local Authority, as the case may be, to a Government company for development of infrastructure and amenities in the Special Investment Region.

(2) Public assets including land and rights thereon shall be transferred or conferred to a private entity for a project as per agreement or, as the case may be, the concession agreement approved under clause (vi) of sub-section (2) of section 6.

Award of projects to a Developer.

22. (1) The Regional Development Authority may enter into agreement with a developer for carrying out any project or work in the Special Investment Region:

Provided that, in case of infrastructure projects, the process of selection of a developer shall be such as stipulated in the Gujarat Infrastructure Development Act, 1999.

Guj. 11 of 1999.

(2) Without prejudice to the generality of the foregoing provisions, the Regional Development Authority may enter into a joint venture agreement with another Government company or another developer or entity to form a special purpose entity for developing or managing a particular project in the Special Investment Region with prior approval of the Apex Authority.

Integrated development of a large area in Special Investment Region.

23. A person or an entity, having under his possession the minimum contiguous area in the Special Investment Region as prescribed by the Apex Authority from time to time and intending to undertake integrated development of the said area with economic activity and amenities, may apply to the Apex Authority as per the procedure laid down in section 18:

Provided that such development shall be subject to the development plan, the General Development Regulations and such other conditions as the Apex Authority may deem fit.

CHAPTER VIII ALLOCATION OF PREMISES, EVICTION AND RECOVERY OF DUES

Allocation of premises in Special Investment Region.

24. (1) Subject to any general or specific directions of the State Government or the Apex Authority, the Regional Development Authority shall be the primary agency for allocating and handing over the premises, land and amenities to the units, amenities and infrastructure projects being set up in the Special Investment Region.

(2) The Regional Development Authority shall offer the lands, premises and amenities within the Special Investment Region to the concerned unit or person on such terms and conditions and after levying such charges as it deems fit or as directed by the Apex Authority.

(3) The Regional Development Authority shall make provisions and take steps for recovery of dues, rent and charges from the occupants of premises and amenities in the Special Investment Region.

(4) The pending dues, if any, on proposal and certification in this regard by the Regional Development Authority, may be recovered or collected as an arrear of land revenue.

(5) The Regional Development Authority in consultation with the Apex Authority, may make provisions for eviction of the occupants from any premises in the Special Investment Region for violation of any guidelines issued under this Act or non-compliance of the provisions of this Act.

CHAPTER IX REDRESSAL OF GRIEVANCES AND SETTLEMENT OF DISPUTES

25. Without prejudice to the jurisdiction of any court of law, and to the provisions of the Arbitration and Conciliation Act, 1996, an internal Disputes Settlement Mechanism for the purposes of this Act shall be as follows, namely:-

**Redressal of
Grievances and
Disputes
Resolution
Forum.**

(1) The Regional Development Authority shall set up a Grievances Redressal Committee comprising of such number of its members and officers, as may be decided by it to redress the grievances and resolve the disputes originating from any stakeholder in the Special Investment Region.

(2) Any person aggrieved by the decision of Grievances Redressal Committee may appeal to the Disputes Resolution Forum set up by the Apex Authority comprising of such number of members and officers as may be decided by it.

(3) For the purpose of deciding the disputes, the Grievances Redressal Committee and the Disputes Resolution Forum shall frame the guidelines including the time frame in this regard and follow the principles of natural justice while dealing with the grievances.

26. (1) The State Government may, by notification in the *Official Gazette*, form a Disputes Settlement Mechanism consisting of such number of members as may be specified by it, to deal with the disputes against Regional Development Authority or those arising in any manner in the Special Investment Region and brought before it or those which could not be resolved or settled by the Grievances Redressal Committee and the Disputes Resolution Forum.

**Disputes
Settlement
Mechanism.**

26 of 1996.

(2) The qualification, tenure of office and other terms and conditions of the Chairperson and members of the Disputes Settlement Mechanism shall be such as may be prescribed by rules.

(3) For the purpose of deciding the disputes, the Disputes Settlement Mechanism shall frame the guidelines including the time frame in this regard and follow the principles of natural justice while dealing with the disputes.

(4) The order passed by the Disputes Settlement Mechanism shall be final.

CHAPTER X ADMINISTRATION AND DEVELOPMENT OF PERIPHERY OF THE SPECIAL INVESTMENT REGION

Periphery of
Special
Investment
Region.

27. (1) The State Government may, by notification in the *Official Gazette*, declare such of the outer area not exceeding three kilometers on either side adjoining to a Special Investment Region, to be the periphery of the Special Investment Region as it deems fit.

(2) On declaration of an area under sub-section (1) as periphery of a Special Investment Region,-

- (a) the Regional Development Authority of the Special Investment Region shall be the Regional Development Authority for the periphery of the Special Investment Region; and
- (b) the powers and functions of the Regional Development Authority and the Apex Authority shall extend to the periphery of the Special Investment Region.
- (3) In order to regulate the developments in the periphery area, the Regional Development Authority may prepare separate land use plan and development plan for the periphery area in accordance with the provisions of this Act.

CHAPTER XI CONTROL, REGULATION AND DEVELOPMENT IN SPECIAL INVESTMENT REGION

Control,
regulation and
development.

28. (1) The State Government may, by notification in the *Official Gazette*, declare the whole or any part of the Special Investment Region to be controlled area for the purposes of this Act.

(2) No land within the controlled area shall, except with the permission of the Regional Development Authority, be used for purposes other than those for which it was used on the date of notification under sub-section (1).

(3) No local authority or the State Government agency shall grant any permission for any development work or sanction any project including those referred to in sub-section (2) unless the Regional Development Authority has given specific approval for the same.

(4) No person shall erect any building or make or extend any excavation, or lay out any means of access to a road, in the controlled area, save with the previous permission of the Regional Development Authority and in accordance with the development plan and guidelines formulated by the Regional Development Authority.

(5) Any person desiring to obtain the permission referred to in sub-section (4) shall make an application in writing to the Regional Development Authority in such form and containing such information as may be specified by the Regional Development Authority.

(6) The Regional Development Authority may, after making due enquiry, grant such permission subject to such conditions as it deems fit or may refuse to grant the same.

(7) Any person aggrieved by the decision of the Regional Development Authority under sub-section (6) may, within thirty days from the date of the decision of the Regional Development Authority, prefer an appeal against such decision to the Disputes Resolution Forum of the Apex Authority.

(8) No person shall be entitled to claim compensation for any injury, loss or damage caused or alleged to have been caused by the control on the developments under this Act.

(9) The Regional Development Authority may order any person who has committed a breach of the provisions of this section to stop or to restore to its original state or to bring into conformity with the conditions imposed, as the case may be, within the stipulated time period, any building or land in respect of which a contravention has been committed.

(10) If such person fails to do so as directed under sub-section (9), the Regional Development Authority may itself take measures to give effect to the order and the cost of such measures shall be recovered from such person as an arrear of land revenue.

(11) Nothing in this section shall apply to –

- (a) any building for the purposes of residence or buildings subservient to agriculture in the village site area (*gamtal*) of a village Panchayat, Municipal area and Municipal Corporation area;
- (b) the erection of a building or a wall enclosing a crematorium, graveyard, place of worship, or *Samadhi* on land which is, at the time of the notification under the sub-section (1), was traditionally occupied by or was used for the said purposes;
- (c) normal excavations (including wells) made in the ordinary course of agriculture;
- (d) the construction of an unmetalled road intended to give access to land solely for agricultural purposes;
- (e) construction or extension in an agricultural land, of a dwelling house for personal use or for storage of agricultural assets of the

owner, as per permissible norms prescribed by the State Government from time to time under the relevant Acts or rules.

CHAPTER XII SPECIAL INVESTMENT REGION TO BE AN INDUSTRIAL TOWNSHIP

**Special
Investment
Region to be
an Industrial
Township.**

29. (1) The area within the Special Investment Region except the village site area (*gamtal*) of a Village Panchayat, Municipal area and Municipal Corporation area shall be deemed to be an industrial township within the meaning of the provisions of clause (1) of article 243Q of the Constitution of India from the date it is so notified in the *Official Gazette* by the State Government.

(2) Subject to the prior permission and any general or special orders which the State Government may make in this behalf, the Regional Development Authority may act as the authority for taking decisions and steps for assessment, imposition and recovery of taxes under this section.

CHAPTER XIII FINANCE, ACCOUNTS AND ANNUAL REPORTS OF REGIONAL DEVELOPMENT AUTHORITY

**Funds of
Regional
Development
Authority.**

30. The Regional Development Authority shall have and maintain its own fund. All sums paid to and collected by the Regional Development Authority shall be carried to the fund of the said Authority and all payments shall be made therefrom.

**Accounts
and Audit.**

31. (1) The accounts of the Regional Development Authority shall be prepared and maintained in such form and in such manner as may be prescribed by rules.

(2) The accounts of the Regional Development Authority shall be audited by an auditor duly qualified to act as an auditor of the Companies under section 226 of the Companies Act, 1956.

I of 1956.

**Annual
Report.**

32. (1) The Regional Development Authority shall during each financial year, prepare an annual report giving a true and full account of its activities during the previous financial year and an account of the activities likely to be undertaken by it in current financial year in consultation with the Apex Authority and submit it to the State Government.

(2) The State Government shall cause every such report along with the audited annual accounts for the year to be laid before the State Legislature as soon as may be after the receipt of the report under sub-section (1).

CHAPTER XIV POWER TO MAKE RULES, ISSUE DIRECTIONS AND REGULATIONS AND REMOVE DIFFICULTIES

**Power of State
Government to
make rules.**

33. (1) The State Government may, by notification in the *Official Gazette*, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may be made for determining any other powers and functions of the Regional Development Authority and the Apex Authority constituted under this Act.

(3) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to such modifications as the legislature may make during the session in which they are so laid or the session immediately following.

34. (1) The State Government may issue directions to the Apex Authority, Regional Development Authority or any agency or entity connected with the activities under this Act or to any person or body involved in the development, operation and implementation of the projects in the Special Investment Region or connected therewith.

Power of State Government to give directions.

(2) Every direction issued by the State Government under sub-section (1), shall be binding to the respective authority, Regional Development Authority, agency, entity, body or person.

35. The Apex Authority may make regulations not inconsistent with the provisions of this Act and the rules made thereunder to carry out the purposes of this Act and for enabling it to discharge its functions under this Act.

Power of Apex Authority to make regulations.

36. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act, as appears to be necessary or expedient for removing the difficulty:

Power of State Government to remove difficulties.

Provided that no order under sub-section (1) shall be made after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before the State Legislature.

CHAPTER XV MISCELLANEOUS

37. Save as otherwise provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other State laws for the time being in force.

Act to override other State laws.

38. Land needed for the purposes of a town planning scheme, development plan or an infrastructure project under this Act shall be deemed to be the land needed for public purpose within the meaning of the Land Acquisition Act, 1894.

Land deemed to be for public purpose.

I of 1894.

39. All members, officers, and employees of the Apex Authority, the Regional Development Authority, the Nodal Company and other Government Company or Project Development Agency shall, while acting or purporting to act in pursuance of the provisions of this Act or the rules

Members, officers and employees to be public servants.

and regulations made thereunder, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Protection of
action taken in
good faith.

40. No suit, prosecution or other legal proceeding shall lie against the Apex Authority, the Regional Development Authority, Nodal Company, other Government companies or project development agencies or any of their committees, members, officers and employees for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act or any rules and regulations made thereunder.

Repeal
and
savings.

41. (1) The Gujarat Special Investment Region Ordinance, 2009 is hereby repealed.

Guj. Ord. 1
of 2009.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

STATEMENT OF OBJECTS AND REASONS

India is emerging as a major economic power in the world. The competitive advantage of India include a vast market, a large pool of talented human resource who are mostly in the working age group, vast areas of waste land and a variety of natural resources. Gujarat is placed very well to play this role of taking India on a high growth trajectory. Gujarat already contributes a substantial part in India's industrial production, capital formation and exports. In several products, it is in fact, a national leader and in certain others, a global player. Gujarat has thus emerged as the growth engine of India. However, the potential is still very large and Gujarat must exploit the same for its own development and for growth of the country.

One of the main reasons of economic progress of several countries has been the creation of huge industrial corridors and mega manufacturing and commercial hubs including in Japan and China. It is particularly observed that size of such hubs does matter. This helps in the economies of scale particularly in creating and providing robust infrastructure which is uniform and available to all users. In this background, if the State and the country have to achieve a higher growth, a similar pattern may have to be followed. With that objective, the State Government is very keen to create large size Investment Regions and Industrial Areas in the State of Gujarat; and to specially enable their development as global hubs of economic activity supported by world class infrastructure, premium civic amenities, centres of excellence and pro-active policy framework; and to set up an organizational structure with that purpose.

This strategy of the State Government is complimented with the strategy of the Government of India. Government of India has proposed a project of Dedicated Freight Corridor between Delhi and Mumbai. The area of 150 kms on both sides of the Dedicated Freight Corridor will be developed as the Industrial Corridor. 38% of the length of the Dedicated Freight Corridor is falling in Gujarat. As part of this Delhi-Mumbai Industrial Corridor, six mega industrial nodes (four industrial areas and two investment regions) have been proposed for the State of Gujarat. Almost one third of the proposed investments of about 90 billion US dollars in Delhi-Mumbai Industrial Corridor is expected to take place in Gujarat alone. As part of the Delhi-Mumbai Industrial Corridor project, identified industrial nodes have to be developed as Global Manufacturing and Commercial Hubs. All kinds of infrastructure both within and outside the nodes also have to be developed with global standards, Government of Gujarat has not only given its full commitment for the Delhi-Mumbai Industrial Corridor project but has been actively working with the Government of India on the same. Even Government of India has suggested to the State to put in place a legal frame work and a dedicated organizational structure for setting up the industrial nodes. As an initial exercise, Government has designated the Gujarat Infrastructure Development Board as the nodal agency to undertake this task. Government has also approved formation of a project development company in the name of "Gujarat Industrial Corridor Company".

All this will lead to enhanced economic activities in the State and in the country and will particularly, result into generation of employment for the people on a massive scale. The objective also includes putting to use large tracts of uncultivable land for industrial and other productive purposes and to develop robust infrastructure linking the industrial nodes, our ports, the Dedicated Freight Corridor and other important locations. This will result into enhanced production and productivity, wealth creation and welfare of the community.

To achieve this mammoth task, it is imperative for the State to put in place a legal framework and organizational mechanism with such powers and functions, which steer the development of mega investment regions and industrial areas faster and smoother. Therefore, it is felt necessary and expedient to provide for a legal frame work to enable development of mega investment regions and industrial areas in the State of Gujarat. As the Legislative Assembly of the State of Gujarat was not in session, the Gujarat Special Investment Region Ordinance, 2009 was promulgated to achieve the aforesaid objects. This Bill seeks to replace the said Ordinance into an Act of the State Legislature.

The salient features of the Bill are as follows:

- (1) The State Government is empowered to declare, by notification in the *Official Gazette*, the Investment Region or Industrial Area and to designate them as Special Investment Region. *Clause 3* provides for the same.
- (2) The Bill provides for establishment of Apex Authority and Regional Development Authority for development, operation, regulation, management, planning and to grant permission and approval for any economic activity or amenity to be established in the Special Investment Region. *Clauses 5 to 8* provide for the same.
- (3) The Bill provides that the Apex Authority shall be single point of contact for starting an economic activity or setting up a Unit or amenity in the Special Investment Region. *Clause 18* provides for the same.
- (4) The Bill empowers the State Government for setting up of Project Development Agencies and Nodal Company and assign them the functions such as conceiving and detailing of the project, assessing the techno-commercial and economic feasibility, financial structures of projects, environmental issues and solutions, implementing the projects or awarding them to other developers or entities, promoting private sector participation in projects, etc.. *Clause 20* provides for the same.
- (5) It also provides for effective internal disputes settlement mechanism. *Clauses 25 and 26* provide for the same.

The following notes on clauses explain, in brief, the important provisions of the Bill:-

Clause 1.- This clause provides for short title and commencement.

Clause 2.- This clause defines certain terms used in the Bill.

Clause 3.- This clause empowers the State Government, by notification in the *Official Gazette*, to declare the Special Investment Region by determining its geographical area with the name of its location or its economic activity.

Clause 4.- This clause provides that the Special Investment Region shall cease to be under the areas of the local authority declared under respective State laws except the village site area (*gamtal*) of a Village Panchayat, Municipal area and Municipal Corporation area. It also provides that Regional Development Authority shall take into account the development plan prepared by the respective authority for the concerned village site area (*gamtal*) and the adjacent area declared by the State Government from time to time.

Clause 5.- This clause provides that the Gujarat Infrastructure Development Board shall be the Apex Authority of the Special Investment Region.

Clause 6.- This clause provides for the powers and functions of the Apex Authority.

Clause 7.- This clause empowers the Apex Authority to appoint an Executive Committee and such other committees or sub-committees, or to designate the Executive Committee of the Gujarat Infrastructure Development Board as the Executive Committee; and also provides that the core functions of the Apex Authority shall not be delegated to any committee of the Authority.

Clause 8.- This clause empowers the State Government, by notification in the *Official Gazette*, to constitute the Regional Development Authority for the area declared as Special Investment Region. It also provides that the State Government may, instead of constitute the Regional Development Authority, designate and empowers a Government agency or Government Company to be the Regional Development Authority to perform the powers and functions of the Regional Development Authority.

Clauses 9.- This clause empowers the State Government, by notification in the *Official Gazette*, to declare the headquarters of Regional Development Authority.

Clauses 10 to 12.- These clauses provide for appointment of members of Regional Development Authority, the terms and conditions of their service, meeting and transaction of business by Regional Development Authority.

Clauses 13 and 14.- These clauses provide for the constitution of an Executive Committee and such other committees by Regional Development Authority and also provide that any vacancy of member in Regional Development Authority or any committee and irregularity in its procedure shall not invalidate any act or proceedings of Regional Development Authority and its committees.

Clause 15.- This clause provides for the powers and functions of Regional Development Authority.

Clause 16.- This clause prohibits a person or entity to erect or occupy any building or structure in the Special Investment Region in contravention of any building norms made by the Regional Development Authority except with previous permission of the Regional Development Authority. It also provides for the procedure for obtaining permission for the aforesaid purposes.

Clause 17.- This clause provides that the provisions of the Gujarat Town Planning and Urban Development Act, 1976 shall apply with respect to the town planning schemes and development plans made under this Act; It also provides that the powers exercisable by the State Government shall be exercisable by the Apex Authority for the said purposes and the Regional Development Authority shall be the appropriate authority for the Special Investment Region.

Clause 18.- This clause provides for making a proposal to the Apex Authority for starting economic activity or setting up a unit, amenity or infrastructure in the Special Investment Region.

Clause 19.- This clause provides that the units and amenities of Special Economic Zone and falling in Special Investment Region shall be governed under the Special Economic Zone Act, 2004.

Clause 20.- This clause provides for development and execution of infrastructure projects. For this purpose the State Government may set up or designate Government agencies or companies to be the Project Development Agency and assign the powers and functions therefore. The State Government may also form or designate a nodal company for projects relating to all Special Investment Regions in the State and for functions of the nodal company.

Clause 21.- This clause provides that for Regional Development Authority may transfer its assets including the land granted by the State Government to its agencies or a local authority or, the Government company for development of infrastructure and amenities in the Special Investment Region.

Clause 22.- This clause provides for the award any project to a Developer by Regional Development Authority by entering into an agreement.

Clause 23.- This clause provides for the integrated development of a large area with economic activity and amenities in the Special Investment Region by a person or an entity and procedure to be adopted for the said purpose.

Clause 24.- This clause provides that the Regional Development Authority shall be the primary agency for allocating and handing over the premises, land and amenities to the units, amenities and infrastructure projects being set up in the Special Investment Region and to prescribe the terms and

conditions therefor. It also provides for levy and recovery of charges, dues and rent; and allocation of premises and eviction thereof.

Clauses 25 and 26.- These clause provide for redressal of grievances and settlement of disputes originating from any stakeholder in the Special Investment Region and for that purpose setting up a Grievances Redressal Committee and Disputes Settlement Mechanism and appointment of the Chairman and the members thereof. It also provide for the dealing with grievances.

Clause 27.- This clause empowers the State Government to declare, by notification in the *Official Gazette*, such of the outer area not exceeding three kilometers on either side adjoining to a Special Investment Region, to be the periphery of the Special Investment Region.

Clause 28.- This clause empowers the State Government to declare, by notification in the *Official Gazette*, the whole or any part of the Special Investment Region to be controlled area and prohibits any use of land and development work except with the permission of Regional Development Authority; it also provides for grant of permission by the Regional Development Authority for use of land and development.

Clause 29.- This clause provides that the area within the Special Investment Region except the village site area (*gamtal*) of a Village Panchayat, Municipal area and Municipal Corporation area shall be an industrial township from the date it is notified by the State Government in the *Official Gazette*.

Clauses 30 to 32.- These clauses provide for fund of the Regional Development Authority, preparation and maintenance of accounts, audit and annual report.

Clause 33.-- This clause empowers the State Government to make rules, by notification in the *Official Gazette*, for carrying out the purposes of the Act.

Clause 34.-- This clause empowers the State Government to issue directions to the Apex Authority, Regional Development Authority or any agency or entity or to any person or body involved in the development, operation and implementation of the projects in the Special Investment Region.

Clause 35.-- This clause empowers the Apex Authority to make regulations for carrying out the purposes of the Act.

Clause 36.— This clause empowers the State Government by an order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of the Act, to remove any difficulty arising within two years as appear it to be necessary or expedient for removing the difficulty.

Clause 37.— This clause provides that the provisions of this Act shall have overriding effect over the other State Laws.

Clause 38.— This clause provides that land needed for the purposes of a town planning scheme, development plan or an infrastructure project under this Act shall be the land needed for public purpose.

Clause 39.— This clause provides that all members, officers, and employees of the Apex Authority, the Regional Development Authority, the Nodal Company and other Government Company or Project Development Agency shall be the public servants while acting or purporting to act in pursuance of the provisions of this Act.

Clause 40.— This clause provides for indemnity for the acts done in good faith.

SAURABH PATEL,

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into force, would involve expenditure from the Consolidated Fund of the State.

Clauses 5 and 7.— These clauses provide for the establishment of the Special Investment Region Apex Authority and the Gujarat Infrastructure Development Board (GIDB) is declared and designated as the Apex Authority. The recurring and non-recurring expenditure including the pay and allowances of the Apex Authority and the committees would be borne by the Gujarat Infrastructure Development Board out of the grant-in-aid made to it by the State Government. Hence, there would not be any additional expenditure for the said purposes from the Consolidated Fund of the State.

Clause 11.— This clause provides for the remuneration and allowances of the officers and employees of Regional Development Authority. This would involve expenditure of recurring nature out of the Consolidated Fund of the State. Initially, a provision of rupees one crore has been made to meet with the above expenses for the Regional Development Authority.

Clause 15.— Sub-clause (3) of this clause provides for the functions of the Regional Development Authority. There would involve expenditure of recurring nature out of the Consolidated Fund of the State towards the performance of functions such as to prepare development plan, town planning scheme, to acquire land, to carry out surveys and to supervise work, etc. It is not feasible to estimate the expenditure for the same at present.

Clause 20.— This clause empowers the State Government to set up or designate Government agencies including companies as the Project Development Agency. It is decided to set up a Government company namely "Gujarat Industrial Corridor Corporation" (GICC). For the said purpose, Gujarat Infrastructure Development Board would release rupees ten crores as paid up capital for this Company in the financial year 2008-09. The State Government would require to pay grant or to its share capital to the proposed the Gujarat Industrial Corridor Corporation" (GICC) as and when required to carry out its functions. It is not feasible to estimate the expenditure for the same at present.

Clause 30.- This clause empowers the Regional Development Authority to have and maintain its own funds. The State Government would require to give funds to the Regional Development Authority to discharge its functions. It is not feasible to estimate the expenditure for the same at present.

SAURABH PATEL,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provides for delegation of legislative powers in the following respects: -

Clause 3.— Sub-clause (1) of this clause empowers the State Government to declare by notification in the *Official Gazette*, an existing or proposed Investment Region or Industrial Area to be a Special Investment Region and to determine the geographical area of the Special Investment Region.

Clause 4.— The proviso to this clause empowers the State Government to declare the adjacent area of a Village Panchayat, Municipal area and Municipal Corporation.

Clause 8.— (i) Sub-clause (1) of this clause empowers the State Government to constitute by notification in the *Official Gazette*, a Regional Development Authority for the Special Investment Region area;

(ii) sub-clause (3) of this clause empowers the State Government, to designate the Government agency or Government company as the Regional Development Authority, instead of constituting a Regional Development Authority for the Special Investment Region area. It also empowers the said agency or company designated as such to exercise all the powers and perform all the functions as specified in clause 15.

Clause 9.— This clause empowers the State Government to specify by notification in the *Official Gazette*, the Headquarters of the Regional Development Authority.

Clause 11.— (i) Sub-clause (1) of this clause empowers the State Government to prescribe by rules, the term of office and conditions of service of the Chairperson, Vice-Chairperson, the Chief Executive Officer and the members of the Regional Development Authority;

(ii) sub-clause (2) of this clause empowers the State Government to prescribe by rules, the appointment, remuneration, allowances and conditions of services of the officers and employees of the Regional Development Authority.

Clause 12.— (i) This clause empowers the Chairperson of the Regional Development Authority to determine the time and place at which the Regional Development Authority shall meet;

(ii) proviso to this clause empowers the Regional Development Authority to lay down the procedure with regard to transaction of business including quorum of the meeting in consultation with the Apex Authority.

Clause 13.— This clause empowers the Regional Development Authority to constitute an Executive Committee or such other committees and to determine functions to be performed by such committees.

Clause 15.— (i) Para (xxi) of sub-clause (3) of this clause empowers the State Government to prescribe by rules or empowers the Apex Authority or to prescribe by regulations, other powers to be exercised and other functions to be performed by the Regional Development Authority;

(ii) para (c) of sub-clause (4) of this clause empowers the Regional Development Authority to issue direction or instruction to any person, unit, entity, developer or any other stakeholder in the Special Investment Region for proper planning, management and development of the Special Investment Region.

Clause 18.— Sub-clause (2) of this clause empowers the Apex Authority to prescribe by regulations, the form and the manner in which, and the fees to be paid with the proposal by the person who intends to start an economic activity or set up a unit, amenity or infrastructure project in the Special Investment Region or who intends to undertake integrated development as per the provisions of clause 23.

Clause 20.— Sub-clause (1) of this clause empowers the State Government to set up or designate Government agencies or companies formed under the Companies Act, 1956, as the Project Development Agencies and also empowers to assign them the powers and functions relating to Project Development in the Special Investment Region.

Clause 23.— This clause empowers the Apex Authority to prescribe by regulations, the minimum contiguous area in the Special Investment Region.

Clause 24.— Sub-clause (2) of this clause empowers the Regional Development Authority to determine the charges to be paid and the terms and conditions on which the lands, premises and amenities within the Special Investment Region shall be offered to the concerned unit or person.

Clause 25.— (i) Sub-clause (1) of this clause empowers the Regional Development Authority to decide the number of members and officers in the Grievances Redressal Committee;

(ii) sub-clause (2) of this clause empowers the Apex Authority to decide the number of members and officers in the Disputes Resolution Forum.

Clause 26.— (i) Sub-clause (1) of this clause empowers the State Government to form, by notification in the *Official Gazette*, a Disputes Settlement Mechanism consisting of such number of member as may be specified by it, to deal with the disputes against Regional Development Authority or those arising in any manner in the Special Investment Region and brought before it or those which could not be resolved or settled by the Grievances Redressal Committee and Disputes Resolution Forum;

(ii) sub-clause (2) of this clause empowers the State Government to prescribe by rules, the qualification, tenure of office and other terms and conditions of the Chairperson and members of the Disputes Settlement Mechanism.

Clause 27.— (i) Sub-clause (1) of this clause empowers the State Government to declare, by notification in the *Official Gazette*, the outer area not exceeding three kilometers on either side adjoining to a Special Investment Region, as the periphery of the Special Investment Region.

Clause 28.-- (i) Sub-clause (1) of this clause empowers the State Government to declare, by notification in the *Official Gazette*, the whole or any part of the Special Investment Region as the controlled area;

(ii) sub-clause (5) of this clause empowers the Regional Development Authority to specify the form of application for obtaining the permission to erect any building or make or extend any excavation, or lay out any means of access to a road, in the controlled area.

Clause 29.-- (i) Sub-clause (1) of this clause empowers the State Government to notify in the *Official Gazette*, the area, within the Special Investment Region except the village site area (*gamtal*) of a Village Panchayat, Municipal area and Municipal Corporation area, as an industrial township.

Clause 31.-- (i) Sub-clause (1) of this clause empowers the State Government to prescribe by rules, the form and the manner in which the accounts of the Regional Development Authority shall be prepared and maintained.

Clause 33.-- (i) Sub-clause (1) of this clause empowers the State Government to make rules, by notification in the *Official Gazette*, for carrying out the purposes of the Act;

(ii) sub-clause (2) of this clause empowers the State Government to make rules for determining the other powers and functions of the Regional Development Authority and the Apex Authority.

Clause 34.-- (i) Sub-clause (1) of this clause empowers the State Government to issue directions to the Apex Authority, Regional Development Authority or any agency or to any person or body involved in the development, operation and implementation of the projects in the Special Investment Region.

Clause 35.-- This clause empowers the Apex Authority to make regulations for carrying out the purposes of the Act.

Clause 36.-- This clause empowers the State Government to remove difficulties, by order published in the *Official Gazette*, arising within two years from the date of commencement of the Act.

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Dated the 10th February, 2009.

SAURABH PATEL.

By order and in the name of the Governor of Gujarat,

Gandhinagar

Dated the 10th March, 2009.

H. D. VYAS,

Secretary to the Government of Gujarat,
Legislative and Parliamentary
Affairs Department.



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The Gujarat Government Gazette

EXTRAORDINARY

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THURSDAY, FEBRUARY 12, 2009/MAGHA 23, 1930

Separate paging is given to this part in order that it may be filed as a Separate Compilation.

PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

THE BOMBAY TENANCY AND AGRICULTURAL LANDS (GUJARAT AMENDMENT) BILL, 2009.

GUJARAT BILL NO. 2 OF 2009.

A BILL

further to amend the Bombay Tenancy and Agricultural Lands Act, 1948, in its application to the State of Gujarat.

It is hereby enacted in the Sixtieth Year of the Republic of India as follows :-

1. This Act may be called the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 2009. Short title.

Bom. LXVII of 1948. 2. In the Bombay Tenancy and Agricultural Lands Act, 1948 (hereinafter referred to as "the principal Act"), in section 10A, in sub-section (3), in clause (b), the word, figure and letter "or 32O" shall be deleted. Amendment of section 10A of Bom. LXVII of 1948.

3. In the principal Act, section 32 O shall be deleted. Deletion of section 32 O of Bom. LXVII of 1948.

4. In the principal Act, in section 43, -

(1) in sub-section (1), the figure and letter "32-O" shall be deleted;

Amendment of section 43 of Bom. LXVII of 1948.

- (2) to sub-section (1), the following provisos shall be added, namely :-

"Provided that no previous sanction of the Collector shall be required, if the partition of the land is among the members of the family who have direct blood relation or among the legal heirs of the tenant :

Provided further that the partition of the land as aforesaid shall not be valid if it is made in contravention of the provisions of any other law for the time being in force :

Provided also that such members of the family or the legal heirs shall hold the land, after the partition, on the same terms, conditions and restrictions as were applicable to such land or interest therein purchased by the tenant or the person."

- (3) in sub-section (1B), for the figures, letters and word "32F, 32-O or 64", the figures, letter and word "32F or 64" shall be substituted.

Amendment of
section 43-1B of
Bom. LXVII of
1948.

5. In the principal Act, in section 43-1B, in sub-section (3), in clause (a), the words, figures and letter "but the provisions of section 32-O shall apply to such tenancy as they apply in relation to a tenancy created after the tillers' day" shall be deleted.

Amendment of
section 43A of
Bom. LXVII of
1948.

6. In the principal Act, in section 43A, in sub-section (1), for the figures, letter and word "63A, 64 and 65", the figures, letter and word "63A and 64" shall be substituted.

Deletion of
sections 65, 65A
and 66 of Bom.
LXVII of 1948.

7. In the principal Act, sections 65, 65A and 66 shall be deleted.

Amendment of
section 72C of
Bom. LXVII of
1948.

8. In the principal Act, in section 72C, in sub-section (2), in clause (b), for the figures, letters and word "32M, 32N and 32-O", the figures, letters and word "32M and 32N" shall be substituted.

Amendment of
section 74 of
Bom. LXVII of
1948.

9. In the principal Act, in section 74, in sub-section (1), in clause (n), for the figures, letters and word "32K, 32M or 32 O", the figures, letters and word "32K or 32M" shall be substituted.

Amendment of
section 82 of
Bom. LXVII of
1948.

10. In the principal Act, in section 82, in sub-section (2), -

- (1) in clause (gaa), the words, brackets, figures and letters "and sub-section (1A) of section 32 O" shall be deleted;
- (2) Clause (l) shall be deleted.

Amendment of
section 88 of
Bom. LXVII of
1948.

11. In the principal Act, in section 88, in sub-section (1), in clause (d), for the words and figures "or section 65 except as provided in the said Chapter IV or section 65, as the case may be, and in sections 66," the words and figures "except as provided in the said Chapter IV and in sections" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Section 32 O of the Bombay Tenancy and Agricultural Lands Act, 1948 provides that in respect of any tenancy created after the tillers' day (i.e. after 1st April, 1957), the tenant cultivating personally shall be deemed to have purchased from the landlord, the land held by him or such part thereof, on the date of expiry of one year from the commencement of the tenancy. The provision of the said section 32 O was relevant at the time when it was inserted in the year 1957 but after the passage of time, an undue advantage is being taken by the persons who are not agriculturists. Such a provision has lost its significance and importance. It is, therefore, considered necessary to delete section 32 O of the Act.

Sub-section (1) of section 43 imposes restriction on the transfer of lands or any interest therein, purchased by a tenant under certain sections specified therein or being sold to any person under section 32P or 64 without previous sanction of the Collector. It also imposes restriction that no such land or interest therein shall be partitioned without the previous sanction of the Collector.

Having regard to the public interest and the difficulties experienced by the tenants and their family members in the case of such partition, it has been considered necessary to remove such restriction of obtaining previous sanction and to provide that where the partition of the land is among the members of the family who have direct blood relation or among the legal heirs of the tenant, the previous sanction of the Collector shall not be required subject to the condition that such partition of the land shall not contravene the provisions of any other law and the land after the partition shall be on the same terms, conditions and restrictions as were applicable to the land or interest therein prior to partition.

Section 65 empowers the State Government to assume the management of land which remained uncultivated for two consecutive years or the full and efficient use of the land has not been made for the purpose of agriculture, through the default of the holder or any other cause whatsoever not beyond his control. Section 65A empowers the State Government to declare that mere raising of grass in the land or allowing its natural growth thereon shall not be deemed to be full and efficient use of the land for agriculture. Section 66 empowers the State Government in the public interest to acquire any estate or land, the management of which has been assumed under the provisions of the Act or the interest of any other person in such estate or land. The provisions of sections 65, 65A and 66 have also lost their usage and importance by the passage of time and, therefore, it is considered necessary to delete these provisions.

Since sections 32-O, 65, 65A and 66 are proposed to be omitted from the Act, the consequential amendments have been made in sections 10A, 43-1B, 43A, 72C, 74, 82 and 88 of the Act.

This Bill seeks to amend the said Act to achieve the aforesaid objects.

Dated the 11th February, 2009.

ANANDIBEN PATEL.

By order and in the name of the Governor of Gujarat,

H. D. VYAS,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs
Department.

Gandhinagar,
Dated the 12th February, 2009

Government Central Press, Gandhinagar.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

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THURSDAY, FEBRUARY 12, 2009/MAGHA 23, 1930

Separate paging is given to this part in order that it may be filed as a Separate Compilation.

PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

THE GUJARAT EDUCATIONAL INNOVATIONS COMMISSION

BILL, 2009.

GUJARAT BILL NO. 3 OF 2009.

A BILL

to promote conception, experimentation and implementation of educational innovations in the State of Gujarat and for that purpose, to establish the Gujarat Educational Innovations Commission and for the matters connected therewith and incidental thereto.

It is hereby enacted in the Sixtieth Year of the Republic of India as follows:-

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Gujarat Educational Innovations Commission Act, 2009. Short title and commencement.
- (2) This section shall come into force at once and the remaining provisions shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.
2. In this Act, unless the context otherwise requires,- Definitions.
 - (i) "Chairperson" means the Chairperson of the Commission;
 - (ii) "Commission" means the Gujarat Educational Innovations Commission established under section 3;

- (iii) "Committee" means a Committee appointed under section 23;
- (iv) "Council" means a Council constituted under section 22;
- (v) "Executive Chairperson" means the Executive Chairperson of the Commission;
- (vi) "Fellow" means a person duly appointed as a fellow of the Commission under section 24;
- (vii) "Fund" means the Fund of the Commission;
- (viii) "member" means a member of the Commission;
- (ix) "regulations" means regulations made under section 33;
- (x) "rules" means rules made under section 32;
- (xi) "Vice-Chairperson" means the Vice-Chairperson of the Commission.

CHAPTER II

ESTABLISHMENT, INCORPORATION AND COMPOSITION OF GUJARAT EDUCATIONAL INNOVATIONS COMMISSION

Establishment and
incorporation of
Commission.

3.(1) For the purpose of promoting conception, experimentation and implementation of educational innovations in the State, the State Government shall, by notification in the *Official Gazette*, establish a Commission by the name of the Gujarat Educational Innovations Commission with effect from such date as may be specified in the notification.

(2) The Commission shall be a body corporate with perpetual succession and common seal and may sue or be sued in its corporate name and shall, subject to the provisions of this Act, be competent to acquire, hold and dispose of property, both movable and immovable, and to contract and do all things necessary for the purposes of this Act.

Headquarters of
Commission.

4. The headquarters of the Commission shall be at Gandhinagar or at such other place, as the State Government may, by notification in the *Official Gazette*, specify.

Composition of
Commission.

5. (1) The Commission shall consist of the Chairperson and twelve other members as follows, namely :-

- (a) the Chief Minister of the State, *ex-officio* Chairperson;
- (b) the Minister for Education, *ex-officio* Vice-Chairperson;
- (c) the Executive Chairperson appointed or nominated under sub-section (2);
- (d) the Secretary to the Government of Gujarat, Education Department, *ex-officio* member;
- (e) the Secretary to the Government of Gujarat, Finance Department, *ex-officio* member;
- (f) the Secretary to the Government of Gujarat, Education Department (Primary Education), *ex-officio* member;
- (g) the Vice-Chancellor of a University, by rotation in the manner prescribed by rules, from amongst the Vice-Chancellors of Universities in the State established by law, *ex-officio* member;
- (h) the Chairperson of the Gujarat Secondary and Higher Secondary Education Board, *ex-officio* member;
- (i) the Director, Gujarat Council of Educational Research and Training, *ex-officio* member;

- (j) the member for innovations in science, technology and vocational courses;
- (k) the member for innovations in programmes relating to humanities, art, craft and other cultural courses and value-oriented education;
- (l) the member for innovations in pedagogical methods including those related to curriculum, evaluation and teaching-learning aids;
- (m) the member for innovations in physical education including courses related to gymnastics, aquatics, athletics, combatives, Indian and universal games, Yogic (physical and psychological) exercises, health, Scouts and Guides, National Cadet Corps and National Service Scheme programmes.

(2) The Executive Chairperson referred to in clause (c) of sub-section (1) shall be nominated by the Chairperson from a panel of three persons recommended by the Search Committee appointed under section 7:

Provided that the first Executive Chairperson shall be appointed by the State Government for a period of two years.

(3) Each member referred to in clauses (j) to (m) of sub-section (1) shall be nominated by the State Government from a panel of three persons recommended by Search Committee appointed under section 7:

Provided that the first appointment of the members referred to in this sub-section, shall be made by the Chairperson on the recommendation of the Executive Chairperson from amongst such persons as he thinks fit.

6. (1) A person to be nominated as an Executive Chairperson under sub-section (2) of section 5, shall possess the following qualifications, namely :--

**Qualifications
of Executive
Chairperson
and of certain
members.**

- (a) be a citizen of India;
- (b) be a renowned educationist, devoted to educational reforms and innovations;
- (c) have proven record of reforms and innovations;
- (d) have actual experience in experimentation and implementation of reforms and innovations;
- (e) be well versed in the educational philosophy of —
 - (i) pioneering educationists of India, and
 - (ii) leading pioneers of educational innovations in the world; and
- (f) have sound knowledge of Indian and universal culture.

(2) A person to be nominated as a member under sub-section (3) of section 5, shall possess the following qualifications, namely :--

- (a) be a citizen of India;
- (b) be a renowned educationist, devoted to educational reforms and innovations;
- (c) have proven record of reforms and innovations in the relevant fields of sciences, technology, vocational courses, humanities, arts, crafts and other cultural courses and value oriented courses, pedagogical courses and methods, physical education,

yoga, health, Scouts and Guides, National Cadet Corps and National Service Scheme programmes;

- (d) have actual experience in experimentation and implementation of reforms and innovations;
- (e) be well versed in the educational philosophy of —
 - (i) pioneering educationists of India, and
 - (ii) leading pioneers of educational innovations in the world; and
- (f) have sound knowledge of Indian and universal culture.

Search
Committee.

7.(1) For the purpose of nomination of Executive Chairperson and members under sub-sections (2) and (3) of section 5, the State Government shall appoint a Search Committee consisting of three persons who, in the opinion of the State Government, are eminent educationists having wide knowledge of educational reforms and innovations and are of high repute and integrity.

(2) The State Government shall designate one of these persons as the Chairperson of the Committee.

(3) The Search Committee shall follow such procedure as may be laid down by it.

(4) (a) A member of the Search Committee shall not be entitled to receive any compensation for his service but shall be reimbursed for the travelling and other expenses incurred by him in discharge of his duties.

(b) The expenses referred to in clause (a) shall be paid out of the Fund.

8. (1) (a) The term of office of members, other than *ex-officio* members, who are appointed on the recommendation of the Executive Chairperson, shall be two years from the date of their nomination.

(b) The term of office of the Executive Chairperson and members, other than *ex-officio* members, who are nominated on the recommendation of Search Committee, shall be five years from the date of their appointment or nomination.

(2) The term of office of an *ex-officio* member shall continue so long as he holds office by virtue of which he is such a member.

(3) (a) The terms and conditions of office of the Executive Chairperson and the members other than *ex-officio* members shall be such as may be prescribed by rules.

(b) The Executive Chairperson and the members referred to in clause (a) shall be whole time salaried persons.

(c) The salaries and other emoluments of—

(i) the Executive Chairperson shall not be less than that of the Chief Secretary to the Government of Gujarat; and

the members other than *ex-officio* members shall not be less than that of the Principal Secretary to the Government of Gujarat.

Terms and
conditions of
office of Executive
Chairperson and
of members other
than *ex-officio*
members.

9. (1) On occurrence of any vacancy in the office of the Executive Chairperson due to death, resignation or any other reason, the same shall be filled in by the Chairperson by nominating a person in the manner provided in section 5. **Filling up of vacancy.**

(2) On occurrence of any vacancy in the office of the member due to death, resignation or any other reason, the same shall be filled in by the State Government by appointing or, as the case may be, nominating a person in the manner provided in section 5.

10. A person shall be disqualified for being appointed or nominated or being an Executive Chairperson or a member of the Commission if such person,— **Disqualifications.**

- (a) is, or at any time, being adjudged insolvent;
- (b) is of unsound mind and stands so declared by the competent court;
- (c) is or has been convicted of any offence which, in the opinion of the State Government, involves moral turpitude; or
- (d) has, either directly or indirectly, any financial or other interest which is likely to affect prejudicially his functioning.

11. (1) Notwithstanding anything contained in sub-section (1) of section 8, the Chairperson or, as the case may be, the State Government may, at any time, remove the Executive Chairperson or any member from office if, in its opinion, such Executive Chairperson or a member,— **Removal and resignation of Executive Chairperson and member.**

- (a) is, or has become subject to any of the disqualifications mentioned in section 10;
- (b) has been guilty of misconduct in discharge of his duties;
- (c) has become physically or mentally incapable of discharging duties as an Executive Chairperson or member;
- (d) has so abused his position as to render his continuance in office prejudicial to the public interest; or
- (e) has, without reasonable cause, refused or failed to perform his duties for a period of not less than three months;

Provided that the Executive Chairperson or a member shall not be removed from his office unless an opportunity of being heard is given.

- (2) (a) The Executive Chairperson may, by writing under his hand addressed to the Chairperson resign his office.
- (b) Any member, who is appointed, may, by writing under his hand addressed to the Chairperson, resign his office.
- (c) Any member, who is nominated may, by writing under his hand addressed to the State Government, resign his office.

12. (1) The Commission shall meet at such time and at such place and shall, subject to sub-sections (2) and (3), observe such rules of procedure with regard to transaction of its business at the meetings as may be provided by regulations: **Meetings of Commission.**

Provided that the Commission shall meet at least once in every month.

(2) If the Chairperson, for any reason, is unable to attend any meeting, the Vice-Chairperson or in his absence, the Executive Chairperson shall preside over the meeting of the Commission.

(3) (a) All questions at a meeting of the Commission shall be decided by a majority of votes of the members present and voting, and in case when there is an equality of votes, the Chairperson or in his absence, the Vice-Chairperson or in his absence, the Executive Chairperson shall have and exercise a second or casting vote.

(b) The quorum at the meetings of the Commission shall not be less than three members.

Officers and
employees of
Commission.

13. (1) The Commission, in order to enable it to perform its functions, may —

(a) with the approval of the State Government,—

(i) appoint a Secretary, and

(ii) determine such number and category of other officers and employees, and

(b) appoint other officers and employees so determined.

(2) The manner of recruitment of, the salary and allowances payable to, and other conditions of service of the Secretary, officers and other employees, shall be such as may be determined by the Commission by regulations.

Acts and
proceedings
presumed to be
valid.

14. (1) No act or proceeding of the Commission shall be questioned or be invalid on the ground merely of the existence of any vacancy in, or any defect in the constitution of the Commission.

(2) No act done by any person acting in good faith as an Executive Chairperson or a member shall be deemed to be invalid merely on the ground that he was disqualified to be an Executive Chairperson or a member or that there was any other defect in his appointment or nomination.

CHAPTER III

OBJECTS, FUNCTIONS AND POWERS OF COMMISSION

Objects of
Commission.

15. The objects of the Commission shall be as follows, namely :-

(a) to conceive, experiment upon and implement such innovative proposals in the field of education and learning as would transform the objectives, contents and methods of education in the light of the vision of great pioneers and educationists of India's freedom movement and of progressive educationists of the world and in light of the needs of the contemporary world in its march towards a future that would be in harmony with the ideals of liberty, equality and fraternity;

(b) to introduce and nurture innovations in the educational system so as to reflect India's perennial spiritual knowledge, robust intellectuality and creativity and the ideals of man-making education, integral development of personality, synthesis of scientific realism and artistic imagination, child-centered education, value-oriented education and skill-oriented education;

- (c) to study and derive lessons from the ongoing experiments in education that are taking place in Gujarat as also elsewhere and to foster all the valuable innovative work and promote the same for larger expansion and utilization;
- (d) to develop a system of education that reflects the highest ideals of Indian culture and imparts among students vibrant spirit of patriotism and deepest concern for the highest welfare of humanity, world peace and world unity;
- (e) to evolve, in particular, programmes and methods of studies that would instill, among students and promote in various sectors of the educational system, devotion to the duties enumerated in article 51A of the Constitution of India;
- (f) to promote, sustain and foster all innovative programmes related to the entire human life-style including earliest stages of pre-natal care and scaling up to the highest levels of excellence and leadership contributing to the growth of the individual, covering thus the entire gamut of the educational system appropriate to a knowledge society and the ideal of unending education.

16. (1) Subject to the provisions of this Act, the Commission shall conceive, experiment upon and implement such innovative proposals in the field of education and learning as would transform the objectives, contents and methods of education so as to promote the objectives of the Commission.

Functions of
Commission.

(2) In particular and without prejudice to the generality of the foregoing function, the Commission shall perform the following functions, namely:—

- (i) to promote experimentation, designing and development of the contents of learning which would inspire pupils to foster the over-arching aims of education to be achieved by the Commission;
- (ii) to promote, explore and invent new methods of pedagogy and evaluation so as to make the learning process interesting, instructive, experimental and practical;
- (iii) to experiment upon the contents and methods of learning at its own innovative institutions or innovative institutions selected by it from those existing;
- (iv) to promote and recommend, on the basis of results of its experiments carried out on its own innovative institutions or innovative institutions selected by it as are found by it to be appropriate to achieve the objectives of the Commission;
- (v) to establish institutions (including institutions for education and training of teachers) for experimentation and implementation of the educational innovations promoted, explored and invented by it and for education and training of teachers for that purpose;
- (vi) (a) to recognise as a recognised institution, any institution for experimentation and implementation of the educational innovations recommended by it and for education and training of teachers for that purpose;
(b) to withdraw recognition of an institution for breach of conditions of recognition after giving it an opportunity of being heard;

- (vii) to establish teachers' education and training institutions of innovative education and to provide for education and training of teachers for implementation of educational innovations recommended by them;
- (viii) to experiment, promote and develop the courses which facilitate students to switch over from existing system of education to the innovative system of education developed by it;
- (ix) to promote innovations in evaluations and to establish appropriate testing service;
- (x) to support innovations in schools and Universities and educational institutions of research, experimentation, training and extension services;
- (xi) to evolve programmes of innovations in regard to the aims, methods and contents of education;
- (xii) to endeavour to enrich the present system of education so as to make it more responsive to the ideals of Indian Nationalism and Internationalism;
- (xiii) to develop new system of education as supplementary or alternative to existing system of education;
- (xiv) to perform such other functions as are necessary for, and conducive to, the promotion of the objectives of the Commission.

**Powers of
Commission.**

17. (1) The Commission shall have the power to do all such things as are necessary for, and conducive to, the efficient performance of its functions under this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the Commission shall have following powers, namely:—

- (i) to carry out research in aims and contents of education and methods of pedagogy and evaluation;
- (ii) to institute fellowships and scholarships for carrying out research in aims and contents of education and methods of pedagogy and evaluation;
- (iii) to organize workshops, conferences, symposia and such other meetings to elicit ideas for educational innovations;
- (iv) to have access to all the materials, including books, manuscripts, lithographs, inscriptions on walls of ancient buildings and such other places, which are available with, or is in possession of, any authority established, by or under any law within the State and is relevant to the aims and contents of education and methods of pedagogy and evaluation;
- (v) (a) to recognize or establish and conduct innovative institutions of education with special provision for innovative aims, contents and methods of teaching, learning and evaluation;
- (b) to aim at excellence in the innovative system of education; and
- (c) to grant to the students of that system, certificates equivalent to the certificates granted by the established system of education at the appropriate level;

- (vi) to determine standards of courses proposed or supported by it under its functions related to innovations;
- (vii) to allocate and disburse grants out of the fund—
 - (a) for its innovations and for innovations in other institutions;
 - (b) to institutions and courses (including institutions and courses for teachers' education and training) recognized by it for the purpose of developing them so as to promote experimentation and implementation of educational innovations;
 - (c) for grant of fellowships and scholarships to carry out research in areas relevant to the aims and objects of the Commission;
- (viii) to appoint Secretary and other officers and employees;
- (ix) to constitute councils;
- (x) to temporarily associate persons with the Commission;
- (xi) to appoint committees for performing its functions and exercising its powers;
- (xii) to consult and obtain concurrence of the various bodies in respect of recognition and accreditation granted by the statutory boards and Universities for the purpose of arriving at equivalence of the courses, programmes and evaluation system established by it with the existing standards of education;
- (xiii) to conduct the processes of the consultation in the spirit of co-operation and flexibility and to enhance and encourage innovations by transcending the barriers of rigidity and obsolete methodologies;
- (xiv) to promote the spirit of decentralisation, freedom of initiative and strictness in regard to discipline and maintenance of high standards; and
- (xv) to collaborate, to negotiate and to arrive at agreements and arrangements with the Government, as also with schools, Universities, centres and institutions (including autonomous institutions).

CHAPTER IV FINANCE, ACCOUNTS, AUDIT AND ANNUAL REPORT OF COMMISSION

Fund of
Commission.

18. (1) The Commission shall have its own fund and all receipts of the Commission shall be carried thereto and all payments by the Commission shall be made therefrom.
- (2) The Commission may accept grants, subventions, donations and gifts from the Central Government or the State Government or a local authority or any individual or body, whether incorporated or not, for the purposes of this Act.
- (3) The Commission may spend such sums as it thinks fit for the performance of its functions under this Act and such sums shall be treated as an expenditure payable out of the fund of the Commission.

(4) All moneys belonging to the fund of the Commission shall be kept in any corresponding new Bank specified in column 2 of the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, and in column 2 of the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 and approved by the State Government for the purpose or invested in securities authorised by the Trusts Act, 1882, at the discretion of the Commission.

5 of 1970.
40 of 1980.
2 of 1882.

Budget. 19. (1) (a) The Commission shall, by such date in each year as may be prescribed by rules, submit to the State Government for approval a budget in the prescribed form for the next financial year showing the estimated receipts and expenditure and the sums which would be required from the State Government during that financial year.

(b) If any sum granted by the State Government remains wholly or partly unspent in any financial year, the unspent sum may be carried forward to the next financial year and taken into account in determining the sum to be provided by the State Government for that year.

(2) No sum shall be expended by or on behalf of the Commission unless the expenditure is covered by provision in the budget approved by the State Government.

Accounts and audit.

20. (1) The accounts of the Commission shall be prepared and maintained in such form and in such manner as may be prescribed by rules.

(2) The Commission shall cause to be prepared for each financial year an annual statement of accounts in such form as may be prescribed by rules.

1 of 1956.

(3) The accounts of the Commission shall be audited by an Auditor duly qualified to act as an auditor of companies under section 226 of the Companies Act, 1956.

(4) The Auditor shall be appointed by the Commission.

(5) Every Auditor appointed to audit the accounts of the Commission under this Act shall have a right to demand the production of books of accounts, connected vouchers and other documents and papers, to inspect the offices of the Commission and to require such information from the Commission as he may think necessary for the performance of his duty as an auditor.

(6) The Auditor shall send a copy of his report together with a copy of audited accounts to the Commission which shall, as soon as may be after the receipt of the audit report, forward the same to the State Government.

(7) The State Government shall, as soon as may be after the receipt of audit report under sub-section (6), cause the same to be laid before the State Legislature.

Annual report.

21. (1) The Commission shall, during each financial year, prepare, in such form and at such time as may be prescribed by rules, an annual report giving a true and full account of its activities during the previous financial year and copies of such report shall be forwarded to the State Government.

(2) The State Government shall cause every such report to be laid before the State Legislature within a period of six months from the date of its receipt under sub-section (1).

CHAPTER V

EDUCATIONAL INNOVATIONS COUNCILS, COMMITTEES AND FELLOWS

22. (1) There shall be constituted by the Commission four Educational Innovations Councils as follows, namely :—

Constitution of Educational Innovations Councils.

- (i) a Council for innovations in programmes relating to science, technology and vocational courses;
- (ii) a Council for innovations in programmes relating to languages, humanities, value-oriented education, socially useful work, art, craft and other cultural courses such as music, drama, dance;
- (iii) a Council for innovations in pedagogical methods;
- (iv) a Council for innovations in physical education.

(2) Each Council shall consist of the Executive Chairperson who shall be the Chairperson of that Council.

(3) The member referred to in clauses (j), (k) (l) and (m) of sub-section (1) of section 5 shall respectively be the member-secretary of the Councils referred to in clauses (i), (ii), (iii) and (iv) of sub-section (1).

(4) (a) Each Council shall consist of four scholars nominated by the Commission in the manner specified in clause (b) as members thereof.

(b) The four scholars for each Council shall be selected in such manner as may be prescribed by regulations from amongst eminent educationalists in the subjects of innovations for which the Council is constituted.

(5) The Council shall meet at such time and place and shall observe such rules of procedure with regard to transaction of its business at the meetings as may be prescribed by regulations.

(6) The Council shall perform such other functions and exercise such powers as may be prescribed by regulations.

23. (1) (a) The Commission may appoint one or more committees consisting of not more than five of its members or members of a Council or both, for performing such of the functions or for exercising such of its powers as may be delegated by it.

Appointment of committees and delegation of functions and powers.

(b) The Commission shall, while appointing a committee under clause (a), designate one member of the committee as the Chairperson of the committee.

(2) The committee shall meet at such time and place, and shall observe such rules of procedure with regard to transaction of its business at the meeting as may be determined by it.

24. (1) For the purpose of carrying out research in educational innovations, there shall be a scheme of fellowships which shall consist of not more than twenty-five fellows.

Fellows.

(2) Each fellow shall be selected by a committee appointed by the Commission for that purpose, from amongst eminent educationists.

(3) (a) Each fellow shall carry out research in such subject related to educational innovations as assigned to him by the Commission.

(b) He may, for the purpose of research in the subject assigned to him, organise consultation groups, seminars, workshops and conferences.

(c) He shall, during his term, write a thesis on the subject assigned to him.

(d) A fellow shall make himself available to the Commission for any consultation necessary in respect of the subject of research or thesis assigned to him.

(4) (a) The term of each fellow shall be one year:

Provided that where the Commission is of opinion that in order to enable the fellow to complete his research or thesis, it is necessary so to do, it may extend his term for a period not more than one year.

(b) The salary and allowances payable to a fellow shall be such as may be determined by the Commission by regulations.

CHAPTER VI MISCELLANEOUS

25. (1) (a) The Commission may associate with itself in such manner and for such purpose, as may be determined by the regulations, any person whose assistance or advice it may require in performance of its functions.

(b) A person associated by the Commission with it under clause (a) shall have the right to speak in or otherwise to take part in the meetings of the Commission but shall not have the right to vote thereat.

(c) The Commission may provide for payment of such allowances and expenses to a person associated with it under clause (a) as may be determined by regulations.

(2) (a) The Council may associate with itself in such manner and for such purpose, as may be determined by the regulations, any person whose assistance or advice it may require in performance of its functions.

(b) A person associated by the Council with it under clause (a) shall have the right to speak in or otherwise to take part in the meetings of the Council but shall not have the right to vote thereat.

(c) The Council may provide for payment of such allowances and expenses to a person associated with it under clause (a) as may be determined by bye-laws.

26. (1) All orders and decisions of the Commission shall be authenticated by the signature of the Executive Chairperson or any other member authorised by the Commission in this behalf and all other instruments issued by the Commission shall be authenticated by the signature of the Secretary or any other officer of the Commission authorised by the Commission in this behalf.

(2) All decisions of a Council shall be authenticated by the signature of the Chairperson of the Council.

(3) All decisions of a Committee shall be authenticated by the signature of the Chairperson of the Committee or any other member of the Committee authorised by the Chairperson in this behalf.

Temporary
associations of
persons with
Commission or
Council.

Authentication
of orders and
other
instruments.

27. (1) In performance of its functions under this Act, the Commission shall be bound by such directions on questions of policy as the State Government may give in writing to it from time to time:

Power of State Government to issue directions to Commission.

Provided that the Commission shall be given an opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the State Government, whether a question is one of policy or not, shall be final.

28. (1) In performance of its functions under this Act, the Council shall be bound by such directions on questions of policy as the Commission may give, in writing, to it from time to time:

Power of Commission to issue directions to Councils.

Provided that the Council shall be given an opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the Commission, whether a question is one of policy or not, shall be final.

29. The Executive Chairperson, member, officer and employee of the Commission shall, when acting or purporting to act in pursuance of the provisions of this Act or of any rules or regulations made thereunder, be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Members, officers and employees of Commission to be public servants.

30. No suit, prosecution or other legal proceeding shall lie against the Commission or any member, officer or employee of the Commission for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act or any rules or regulations made thereunder.

Protection of action taken under the Act.

31. The Commission shall furnish to the State Government such returns or other information with respect to its property or activities as the State Government may, from time to time, require.

Returns and information.

32. (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may be made to provide for all or any of the matters expressly required or allowed by this Act to be prescribed by rules.

(3) All rules made under this section shall be laid for not less than thirty days before the State Legislature, as soon as may be, after they are made and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

(4) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect.

33. (1) The Commission may, with the previous approval of the State Government, by notification in the *Official Gazette*, make regulations not inconsistent with the provisions of this Act, and the rules made thereunder for enabling it to perform its functions under this Act.

Power to make regulations.

Power of Council
to make bye-laws.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the matters expressly required or allowed by this Act to be specified by regulations.

34. (1) The Council may, with the previous approval of the Commission, make bye-laws not inconsistent with this Act or with rules and regulations made thereunder for enabling it to perform its functions under this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such bye-laws may provide for all or any of the matters expressly required or allowed by this Act to be specified by bye-laws.

Power to
remove
difficulties.

35. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act as appears to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of two years from the commencement of this Act.

(2) Every order made under this section shall be laid as soon as may be after it is made, before the State Legislature.

STATEMENT OF OBJECTS AND REASONS

The status of the educational system that is prevalent today needs to be innovated. The stake-holders in the field of education have been voicing the need for such appropriate changes that may cater to the multidimensional needs of students of modern India. Such changes are possible only if the primacy of the child and youth is kept in centre of attention of the society. Reformative ideas can be fruitful only if we keep in view the holistic nature of education and indispensable interconnections between various stages of education as also the aims, methods and contents relating to nationalism, internationalism, child-centered education, value-oriented education and skill-oriented education.

Modern developments of communication technology need to be utilized so that the processes of transmission of knowledge are enriched. Development of different methodologies need to be employed in order to ensure balanced growth of the Hand, Heart and Head, as also of man-making education and integral education. This necessitates harmonious blending of scientific, philosophical, aesthetic, ethical and spiritual pursuits. Educational researches conducted by pioneering educationists of India and the world need to be pooled together and fresh fields of research need to be developed, monitored and guided on a permanent basis.

The spirit of India's perennial spiritual knowledge, robust intellectuality and abundant creativity needs to percolate and inspire the renewal and updating of the curricula throughout our system of education. At the same time, the ideal of universe as a family contained in the Indian Adage "Vasudhaiv Kutumbakam" has to guide the international dimensions of our education system.

The aforesaid theme could be ensured by the objectives specified in clause 15 of the Bill. For the purpose of achieving the said objectives, the Bill seeks to establish "the Gujarat Educational Innovations Commission" in the State.

The following notes on clauses explain, in brief, the important provisions of the Bill:

Clause 2.—This clause defines certain terms used in the Bill.

Clause 3.—This clause provides for establishment and incorporation of the Gujarat Education Innovations Commission.

Clause 4.—This clause provides for the headquarters of the Commission.

Clause 5.—This clause provides for composition of the Commission.

Clause 6.—This clause provides for qualifications of the Executive Chairperson and certain members.

Clause 7.—This clause provides for appointment of Search Committee.

Clause 8.—This clause provides for the terms and conditions of office of the Executive Chairperson and members other than *ex-officio* members.

Clause 9.—This clause provides for occurrence of vacancy in office of the Executive Chairperson and member and filling up of such vacancy.

Clause 10.—This clause provides for disqualifications for being appointed or being a Executive Chairperson or member of the Commission.

Clause 11.—This clause empowers the State Government to remove the Executive Chairperson and a member of the Commission for reasons stated therein and also provides for resignation of a member.

Clause 12.—This clause provides for the time, place, quorum and rules of procedure with regard to transaction of the business at the meetings of the Commission.

Clause 13.—This clause provides for the power of the Commission to appoint officers and the employees of the Commission.

Clause 15.—This clause provides for the objects of the Commission.

Clause 16.—This clause provides for the functions to be performed by the Commission.

Clause 17.—This clause provides for the powers of the Commission.

Clause 18.—This clause provides for the fund of the Commission.

Clauses 19, 20 and 21.—These clauses provide for preparation of budget of the Commission, maintenance of its accounts and audit thereof and laying of annual report before the State Legislature.

Clause 22.—This clause provides for constitution of Educational Innovations Councils.

Clause 23.—This clause provides for appointment of committees.

Clause 24.—This clause provides for appointment of fellows.

Clause 25.—This clause empowers the Commission to associate with itself persons whose assistance or advice is necessary.

Clause 27.—This clause empowers the State Government to give directions on questions of policy to the Commission in writing.

Clause 28.—This clause empowers the Commission to give directions on questions of policy to the Councils.

Clause 32.—This clause empowers the State Government to make rules for carrying on the purposes of the Act and the matter expressly required or allowed by the Act to be prescribed by rules.

Clause 33.—This clause empowers the Commission to make regulations for enabling it to perform functions under the Act.

Clause 34.—This clause empowers the Council to make bye-laws for enabling it to perform functions.

Clause 35.—This clause empowers the State Government to make order consistent with the provisions of the Act as appears to it to be necessary for removing the difficulties, arises within two years, in giving effect to the provisions of the Act.

RAMANLAL VORA,

FINANCIAL MEMORANDUM

Sub-clause (3) of clause 8, sub-clause (2) of clause 13 and sub-clause (4) of clause 24 provide for salaries and allowances of the Executive Chairperson, members other than *ex-officio* member, officers and employees and the fellows of the Commission. Moreover sub-clause (4) of clause 7 provides for reimbursement of travelling and other expenses to the members of Search Committee. Clause 25 provides for payment of allowances and expenses to the persons associated with the Commission or a Council. The aforesaid recurring expenditure is to be borne by the Commission. Clause 18 of the Bill stipulates that the fund of the Commission shall consist of all receipts of the Commission and clause 19 stipulates that the State Government shall provide Budgetary provisions to the Commission for carrying out the functions of the Commission. Initially annual grant of rupees five crores needs to be provided to the Commission. In the circumstances, if the Bill enacted and provisions are brought into force would involve recurring and non-recurring expenditure from the Consolidated Fund of the State to that extent.

RAMANLAL VORA,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves the delegation of legislative powers in the following respects:-

Clause 1.- Sub-clause (2) of this clause empowers the State Government to appoint by notification in the *Official Gazette*, the date on which the remaining provisions of the Act shall come into force.

Clause 3.- Sub-clause (1) of this clause empowers the State Government to establish by notification in the *Official Gazette*, the Gujarat Educational Innovations Commission with effect from the date as may be specified in the said notification.

Clause 4.- This clause empowers the State Government to specify by notification in the *Official Gazette*, such other place to be the headquarters of the Commission.

Clause 5.- Item (g) of sub-clause (1) of this clause empowers the State Government to prescribe by rules, the manner of appointment by rotation of the Vice-Chancellor of a University as a member of the Commission.

Clause 8.- Para (a) of sub-clause (3) of this clause empowers the State Government to prescribe by rules, the terms and conditions of office of the Executive Chairperson and the members other than *ex-officio* members of the Commission.

Clause 12.- Sub-clause (1) of this clause empowers the Commission to prescribe by regulations, the time and the place of the meetings of the Commission and the rules of procedure with regard to transaction of its business at the meetings.

Clause 13.- Sub-clause (2) of this clause empowers the Commission to determine by regulations, the manner of recruitment, salary and allowances and other conditions of service of the Secretary, officers and other employees of the Commission.

Clause 16.- Item (xiv) of sub-clause (2) of this clause empowers the Commission to prescribe by regulations, such other functions to be performed by the Commission.

Clause 19.- Para (a) of sub-clause (1) of this clause empowers the State Government to prescribe by rules, the date for submission of budget of the Commission to the State Government and the form in which the budget shall be prepared.

Clause 20.- (i) Sub-clause (1) of this clause empowers the State Government to prescribe by rules, the form and the manner in which the accounts of the Commission shall be prepared and maintained;

(ii) Sub-clause (2) empowers the State Government to prescribe by rules, the form in which the Commission shall prepare an annual statement of accounts.

Clause 21.- Sub-clause (1) of this clause empowers the State Government to prescribe by rules, the form in which and the time at which the Commission shall prepare its annual report and submit to the State Government.

Clause 22.- (i) Para (b) of sub-clause (4) of this clause empowers the Commission to prescribe by regulations, the manner in which the four scholars for each council shall be selected amongst eminent educationalists in the subject of innovations;

(ii) sub-clause (5) empowers the Commission to prescribe by regulations, the time and the place of meetings of the Council and the rules of procedure for transaction of business at its meetings;

(iii) sub-clause (6) empowers the Commission to prescribe by regulation, the other functions to be performed and other powers to be exercised by the Council.

Clause 23.- (i) Para (a) of sub-clause (1) of this clause empowers the Commission to delegate its functions to be performed and its powers to be exercised by the Committee as may be appointed by the Commission;

(ii) sub-clause (2) empowers the Committee to determine the time and the place of meeting of the Committee and the rules of procedure to be observed for transaction of business at the meeting.

Clause 24.- Para (b) of sub-clause (4) of this clause empowers the Commission to determine by regulations, the salary and allowances payable to a fellow.

Clause 25.- (i) Para (a) of sub-clause (1) of this clause empowers the Commission to determine by regulations, the manner in which and the purpose for which the Commission may associate with itself, any person whose assistance or advice is required;

(ii) para (c) of sub-clause (1) empowers the Commission to determine by regulations, the allowances and expenses payable to a person associated with it;

(iii) para (a) of sub-clause (2) empowers the Commission to determine by regulations, the manner in which and the purpose for which the Council may associate itself, any person whose assistance or advice is required;

(iv) para (c) of sub-clause (2) empowers the Council to determine by bye-laws, the allowances and expenses payable to a person associated with it.

Clause 27.- This clause empowers the State Government to issue directions to the Commission, on questions of policy as may be required in performance of its functions.

Clause 28.- This clause empowers the Commission to issue directions to the council, on questions of policy as may be required in performance of its functions.

Clause 32.- This clause empowers the State Government to make rules, by notification in the *Official Gazette*, generally for carrying out the purposes of the Act and particularly for the matters expressly required or allowed by the Act to be prescribed by rules.

Clause 33.- This clause empowers the Commission to make regulations, by notification in the *Official Gazette*, with the previous approval of the State Government, not inconsistent with the provisions of the Act and the rules made thereunder and to provide for all or any other matters expressly required or allowed by the Act to be prescribed by regulations.

Clause 34.- This clause empowers the Council to make bye-laws not inconsistent with the provisions of the Act, the rules and the regulations made thereunder, with the previous approval of the Commission, to provide for all or any of the matters expressly required or allowed by this Act to be prescribed by bye-laws.

Clause 35.- Sub-clause (1) of this clause empowers the State Government to remove difficulties, by order published in the *Official Gazette*, arising within two years from the date of commencement of the Act.

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Dated the 11th February, 2009.

RAMANLAL VORA.

By order and in the name of the Governor of Gujarat,

H. D. VYAS,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs
Department.

Gandhinagar,

Dated the 12th February, 2009.



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The Gujarat Government Gazette

EXTRAORDINARY

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Separate paging is given to this part in order that it may be filed as a Separate Compilation.

PART V

Bills introduced in the Gujarat Legislative Assembly

The following Bill Which was introduced on the 26th February, 2009 by Shri Arjunbhai Modhawadia M.L.A. is Published under rule 127-A of the Gujarat Legislative Assembly Rules for general information

GUJARAT BILL NO. 6 OF 2009.

THE GUJARAT STATE COMMISSION FOR SAFAI KARMACHARIS BILL, 2008.

A BILL

to constitute a State Level Commission for Safai Karmacharis and to provide for matters connected therewith or incidental thereto.

WHEREAS, it is expedient to enact a special law for upliftment, liberation, rehabilitation and monitoring of various welfare schemes in the State of Gujarat by establishing the State level Commission for Safai Karmacharis; It is hereby enacted in the Fifty-ninth Year of the Republic of India as follows:-

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Gujarat State Commission for Safai Karmacharis Act, 2008.

Short title,
extent,
Commence-
ment and
duration.

- (2) It extends to the whole of the State of Gujarat.
- (3) It shall come into force on such date, as the state Government may, by notification in the *Official Gazette* appoint.
- (4) The term of the Commission shall be for a period of five years :

Provided that the State Government may, reduce the said said term or extend the term of the Commission as deemed proper.

- Definitions.** 2. (1) In this Act, unless the context otherwise requires-
- (a) "Chairperson" means the Chairperson of the Commission ;
 - (b) "Commission" means the Gujarat State Commission for Safai Karmacharis constituted under section 3 ;
 - (c) "Member" means a member of the Commission ;
 - (d) "prescribed" means prescribed by rules made under this Act ;
 - (e) " Safai Karmachari" means a person engaged in, or employed for, manually carrying human excreta or any sanitation work ;
 - (f) "Vice-Chairman" means Vice-Chairman of the Commission.

CHAPTER II

COMMISSION FOR SAFAI KARMACHARIS

Constitution
of
Commission
and its
headquarters.

3. (1) The State Government may, by notification in the *Official Gazette*, constitute a body to be known as the Gujarat State Commission for Safai Karmacharis to exercise the powers conferred and to perform the functions assigned to it, under this Act.

- (2) The Commission shall consist of,-

- (a) the Chairperson ;
- (b) the Vice-Chairperson ; and
- (c) five Members,

to be nominated, by the State Government from amongst the persons engaged in social economic, educational development and welfare of Safai Karmacharis :

Provided that at least one of the Members shall be a woman.

- (3) The headquarters of the Commission shall be a place as may be declared by the State Government by notification in the *Official Gazette*.

Term of
office and
conditions of
service of
Chairperson,
Vice-
Chairperson
and Members.

4. (1) The Chairperson, the Vice-Chairperson and every Member shall hold office for such a period, not exceeding three years, as may be specified by the State Government in this behalf.

- (2) The Chairperson, Vice-Chairperson or a Member may, by notice in writing addressed to State Government, resign from the office of the Chairperson, the Vice-Chairperson or as the case may be, of a Member at any time.

- (3) The State Government shall remove the person from the office of the Chairperson, the Vice-Chairperson or a Member if that person,-

- (a) becomes an un-discharged insolvent ;
- (b) is convicted and sentenced to imprisonment for an offence which, in the opinion of the State Government, involves moral turpitude ;
- (c) becomes of unsound mind and stands so declared by a competent court ;
- (d) refuses to act or becomes incapable of acting or discharging his duties ;
- (e) is, without obtaining leave of absence from the Commission, absent from three consecutive meetings of the Commission ; or

(f) in the opinion of the State Government, has so abused the position of the Chairperson, the Vice-Chairperson or a Member, as to render that person's continuance in such office detrimental to the public interest :

Provided that no person shall be removed under this clause until that person has been given a reasonable opportunity of being heard in the matter.

(4) Notwithstanding anything contained, in sub-section (1) and (3), all the office bearers of the Commission shall hold office during the pleasure of the state Government and may be removed at any time before the expiry of their term of office.

(5) A vacancy caused under sub-sections (2), (3) or (4) or otherwise shall be filled by fresh nomination and a person so nominated shall hold office for the unexpired period of the term for which his predecessor in office would have held the office if such vacancy had not arisen.

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of 1956.

(6) The Chairperson of the Commission shall enjoy the status of the Minister of State of the Government of Gujarat and he shall be entitled to salary and allowances payable to, and all other allowances available to the Minister of State under the Gujarat Ministers' Salaries and Allowances Act.

(7) The salaries and allowances payable to, and the terms and conditions of service of the Vice-Chairpersons and the Members shall be such as may be prescribed.

5. (1) The State Government shall provide the Commission with such officers and employees as may be necessary for the efficient performance of the functions of the Commission under this Act.

Officers and
other employees
of Commission.

(2) The salaries and allowances payable to, and other terms and conditions of service of, the officers and other employees appointed for the purpose of the Commission shall be such as may be prescribed.

6. No act or proceeding of the Commission shall be questioned or shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Commission.

Vacancy, etc. not
to invalidate
proceedings of
Commission.

7. (1) The Commission shall meet as and when necessary and shall meet at such time and place as the Chairperson may think fit.

Procedure to
be regulated by
Commission.

(2) The Commission shall regulate its own procedure.

(3) All orders and decisions of the Commission shall be authenticated by the Chairperson or any other officer of the Commission duly authorised by the Chairperson in this behalf.

CHAPTER III

FUNCTIONS AND POWERS OF THE COMMISSION

8. (1) The Commission shall perform all or any of the following functions, namely :-

Functions and
powers of
Commission.

(a) recommend to the State Government specific programmes of action towards elimination of inequalities in status, facilities and opportunities for Safai Karmacharis under a time bound action plan;

(b) study and evaluate the implementation of the programmes and schemes relating to the social and economic rehabilitation of Safai Karmacharis and make recommendation to the State Government for better co-ordination and implementation such programmes;

(c) Visit various establishment of the State Government, and Semi-Government institutions and also aided institutions and to obtain information, or to advise or make suggestions to the said institution;

(d) investigate specific grievances and take suo-moto notice of matters relating to non-implementation of:-

- (i) programmes or schemes in respect of any group of Safai Karmacharis;
 - (ii) decisions, guidelines or instruction aimed at mitigating the hardship of Safai Karmacharis;
 - (iii) measures for the social and economic upliftment of Safai Karmacharis;
 - (iv) the provisions of any law in its application to Safai Karmacharis, and take up such matters with the concerned authorities or with the State Government;
 - (e) make periodical reports to the State Government of any matter concerning Safai Karmacharis, taking into account any difficulties or disabilities being encountered by Safai Karmacharis;
 - (f) deal with any other matter which may be referred to it by the State Government.
- (2) In the discharge of its functions under sub-section (1), the Commission shall have power to call for information with respect to any matter specified in that sub-section from State Government or local or other Semi-Government authority.

CHAPTER IV

FINANCE, ACCOUNTS AND AUDIT REPORT

Grants by State Government.

9. (1) The State Government shall, after due appropriation made by the state Legislature by law, in this behalf, pay to the Commission by way of grants from the Consolidated Fund of the State, such sums of money as the State Government may think fit for being utilised for the purpose of this Act.

(2) the Commission may spend such sums as it thinks fit for performing the functions under this Act, and such sums of money shall be treated as expenditure payable out of the grants referred to in sub-section (1).

Accounts and audit.

10. (1) The Commission shall maintain proper accounts and other relevant record and prepare an annual statement of accounts in such form as may be prescribed by the State Government in consultation with the Accountant General of the State of Gujarat.

(2) The annual accounts of the Commission shall be audited by the Accountant General of the State at such intervals as may be specified by him any expenditure incurred in connection with such audit shall be payable by the Commission to the Accountant General.

(3) The Accountant General and any person appointed by him connection with the audit of the accounts of the Commission under this Act, shall have the same rights and privileges and the authority in connection with such audit as the Accountant General generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, account, connected vouchers and other documents and papers and to inspect any of the offices of the Commission.

(4) The accounts of the Commission, as certified by the Accountant General or any other person duly appointed or authorised by him in this behalf, together with the audit report, thereon shall be forwarded annually to the State Government, by the Commission.

CHAPTER V

Miscellaneous

45 of 1860

11. The Chairperson, the Vice-Chairperson, the members, officers and other employees of the Commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Chairperson,
Vice -
Chairperson,
Member and
staff of
Commission to
be public
Servants.

12. The State Government shall consult the Commission on all major policy matters affecting Safai Karmacharis.

State
Government
to consult
Commission.

13. The Commission shall prepare its annual report, in such form and at such time, for each financial year as may be prescribed, giving a full account of its activities during the previous financial year and submit a copy thereof to the State Government.

Annual
Report.

14. (1) The State Government shall cause the annual report to be laid before the State Legislature explaining the action taken or proposed to be taken on the recommendations contained therein so far as they relate to the State Government and the reasons for non-acceptance, if any, of such recommendations.

Annual Report
to be laid before
Legislative
Assembly.

(2) Where the said report or any part thereof relates to any matter which Central Government is concerned, a copy of such report shall be forwarded to the Government of India for further necessary action.

15. The Commission may, by general or special order, delegate to the Chairperson, the Vice-Chairperson or any Member or to any Officer of the Commission, subject to such conditions and limitations, if any, as may be specified therein, such of its powers and duties under this Act as it may deem fit.

Delegation of
powers.

16. No suit, prosecution or other legal proceedings shall lie against the Chairperson, the Vice-Chairperson, the Members or any officer or other employees of the Commission and the State Government, for anything which is good faith done or intended to be under this Act.

Protection of
action taken in
good faith.

17. (1) The State Government may, by notification in the *Official Gazette*, make rule for carrying out the provisions of this Act

Power to make
rules.

(2) In particular, and without prejudice to the generality of the forgoing powers, such rules may be provided for all or any of the following matters, namely :-

(a) salaries and allowances payable to, and the other terms and conditions of service of the Vice-Chairperson, and the Members under sub-section (7) of section 4 and officers and other employees of the Commission under sub-section (2) of section 5;

(b) the form in which the annual statement of accounts shall be prepared in consultation with the Accountant General of the State of Gujarat under section 10;

(c) the form in, and time at, which the annual report shall be prepared and submitted under section 13;

(d) any other matter which is required to be, or may be prescribed for the purposes of this Act;

(3) Every rule made under this section shall be laid, as soon as may be, after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both houses agree that the rule should not be made, and notify such decision in

the *Official Gazette*, the rule shall, from the date of publication of such notification, have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

STATEMENT OF OBJECTS AND REASONS

The scavengers and sweepers constitute the most vulnerable section of the society. The practice of carrying night-soil on head is not only inhuman and unhygienic for the persons involved in this practice but is responsible for spreading insanitation in the area and results in the practice of untouchability, a social stigma, which has gripped our nation for the last so many decades.

2. Various schemes have, from time to time, been introduced by the Central Government as well as the State Government to improve the conditions of Safai Karmacharis. However, these schemes have not been successful in improving the conditions of Safai Karmacharis to the desirable level. Therefore, the Government of India had introduced the National Scheme for Liberation and rehabilitation of the Scavengers and their dependents in the year 1992-93 and has also established a National Commission for Safai Karmacharis by enacting a special Act called the National Commission for Safai Karmacharis Act, 1993. To supplement and actively support the efforts of the Central Government to achieve this just and human cause it is necessary to constitute a separate State Level Commission for the Safai Karmacharis, by enacting a special law in the State, on the lines of the National Commission for Safai Karmacharis constituted under the said Central Act. The State Commission for Safai Karmacharis aims at monitoring, co-ordinating and implementing the various welfare schemes introduced by the State Government for the liberation, upliftment and rehabilitation of the Safai Karmacharis in the State.

3. The Bill seeks to achieve the above objectives.

Gandhinagar,
Dated the 19th March, 2008.

SHRI ARJUNBHAI MODHWADIA,
M.L.A.

**MEMORANDUM REGARDING DELEGATED
LEGISLATION**

This Bill involves the delegation of the following legislative powers, namely :-

(1) *Clause 1 (3).*- Under this clause power is taken to the State Government to bring the Act into force, by notification in the *Official Gazette*, on such date as the State Government may appoint.

(2) *Clause 3 (1).*- Under this clause power is taken to the State Government to constitute a body to be known as the Gujarat State Commission for Safai Karmacharis by notification in the *Official Gazette*.

(3) *Clause 3 (3).*- Under this clause power is taken to the State Government to declare the head quarter of the Commission by notification in the *Official Gazette*.

(4) *Clause 17.*- This clause empowers the State Government to make rules generally to carry out the provisions of the Act and particularly for matters specified in sub-clause (2) thereof.

2. The above proposals for delegation of legislative power are of normal character.

Gandhinagar,
Dated the 19th March, 2008.

SHRI ARJUNBHAI MODHWADIA,
M.L.A.

FINANCIAL MEMORANDUM

The provisions of the Bill involves the following expenditure from the Consolidated Fund of the State :-

(a) The Bill provides for the establishment of the Commission for Safai Karmachari in the State creation of certain posts, salaries and allowances payable to the Chairperson, Vice-Chairperson and Members of the Commission and the salaries and allowances payable to the officers and employees for which the State Government will have to bear an annul recurring expenditure of Rs. 13.66 lakhs. Besides, the items like furniture, etc., for the office of the Commission, an amount of Rs. 7.83 lakhs will be needed as non-recurring expenditure.

(b) For the establishment of the Commission, the total annual expenditure for the first year will be Rs. 21.50 lakhs. Thereafter, every year the Government will have to bear an amount of Rs. 13.66 lakhs as recurring expenditure.

Gandhinagar,
Dated the 19th March, 2008.

SHRI ARJUNBHAI MODHWADIA,
M.L.A.

Gandhinagar,
Dated the 26th February, 2009.

D. M. PATEL,
Secretary,
Gujarat Legislative Assembly.



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PART V

Bills introduced in the Gujarat Legislative Assembly

The following Bill which was introduced on the 26th February, 2009 by Shri Arjunbhai Modhawadia M.L.A. is Published under rule 127-a of the Gujarat Legislative Assembly rules for general information

GUJARAT BILL NO. 7 OF 2009.

THE GUJARAT PROHIBITION OF RAGGING BILL, 2008.

A BILL

to prohibit ragging in educational institutions in the State of Gujarat and for matters connected therewith..

WHEREAS, it is expedient to enact a special law to prohibit ragging in educational institutions in the State of Gujarat ;

It is hereby enacted in the Fifty-ninth Year of Republic of India as follows :-

1. (1) This Act may be called the Gujarat Prohibition of Ragging Act, 2008.
- (2) It extends to the whole of the State of Gujarat.
- (3) It shall come into force on such date as the State Government may by notification in the *Official Gazette*, appoint.

Short title,
extent and
Commence-
ment.

Definitions.

2. In this Act, unless the context otherwise requires,-

- (a) "educational institution" means and includes a College, or other Institution by whatever name called, carrying on the activity or imparting education therein (either exclusively or among other activities); and includes an orphanage or a boarding home or hosted or a tutorial institution or any other premises attached thereto;
- (b) "head of the educational institution" means the Vice-Chancellor of the University, Dean of the Medical faculty, Director of the Institution, or the Principal, Headmaster or the person responsible for the management of the institution;
- (c) "ragging" means display of disorderly conduct, doing any act which causes or is likely to cause physical or psychological harm or raise apprehension or fear or shame or embarrassment to a student in any educational institution and includes.-
 - (i) teasing, abusing, threatening or playing practical jokes on, or causing hurt to, such student; or
 - (ii) asking a student to do any act or perform something which such student will not, in the ordinary course, willingly do.

Prohibition of ragging.

3. Ragging within or outside any educational institution is an offence punishable under this Act.

Penalty for ragging.

4. Any person who directly or indirectly commits, participates in, abets or propagates ragging within or outside any educational institution shall, on conviction, be punished with imprisonment for a term which may extend to two years and shall also be liable to a fine which may extend to ten thousand rupees.

Dismissal of student

5. Person who is convicted under Section 4, is a student, he shall be dismissed from the educational institution and such student shall not be admitted in any other educational institution for a period of five years from the date of order of such dismissal.

6. (1) Whenever any student or, as the case may be, the parent or guardian, or a teacher of an educational institution complains, in writing of ragging to the head of the educational institution, the head of the educational institution shall without prejudice to the foregoing provisions, within seven days of the receipt of the complaint inquire in to the matter mentioned in the complaint and if, prima-facie, it is found true, suspend the student who is accused of the offence, and shall, immediately forward the complaint to the Police-Station having jurisdiction over the area in which the educational institution is situated, for further action.

(2) Where, on enquiry by the head of the educational institution, It is proved that there is no substance, prima-facie, in the complaint received under sub-section (1), he shall intimate the fact, in writing, to the complainant.

(3) The decision of the head of the educational institution that the student has indulged in ragging under sub-section (1), shall be final.

7. If the head of the educational institution fails or neglects to take action in the matter specified in section 6 when a complaint of ragging is made, such person shall be deemed to have abetted the offence of ragging and shall, on conviction, be punished as per the provisions of section 4.

Deemed
abetment.

8. (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

Power to
make rules.

(2) Rules made under this Section shall be laid before the State Legislature for a period of thirty days as soon as possible after they are made and shall be subject to such modifications or rescission as the State Legislature may make during the session in which they are so laid or the session immediately following.

(3) Any modification or rescission so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect.

Gandhinagar.

SHRI ARJUNBHAI MODHWADIA,

Dated the 19th March, 2008.

M. L. A.

STATEMENT OF OBJECTS AND REASONS

In recent year there has been a significant increase in the complaints of ragging in educational institutions. Ragging is a stigma on the educational institutions and it should be nipped in bud. Ragging causes physical or psychological harm or raise fear or shame to a student in any educational institution. It is, therefore expedient in the educational institutions interest to device Legislative measure.

Hense this Bill.

Gandhinagar.

Dated the 19th March, 2008.

SHRI ARJUNBHAI MODHWADIA,

M. L. A.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub clause (3) of clause (1) empowers the State Government to specify the date on which the Act shall come into force.

Sub clause (1) of clause (8) empowers the State Government to make rules to carry out the purposes of the Act.

The delegation of Legislative powers as aforesaid is essential and of normal character.

Gandhinagar.

Dated the 19th March, 2008

SHRI ARJUNBHAI MODHWADIA,

M. L. A.

Gandhinagar.

Dated the 26th February, 2009.

D. M. PATEL,

Secretary,
Gujarat Legislative Assembly.

V-EX-5-2

Government Central Press, Gandhinagar.



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The Gujarat Government Gazette

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Separate paging is given to this part in order that it may be filed as a Separate Compilation.

PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

THE GUJARAT (SUPPLEMENTARY) APPROPRIATION BILL, 2009.

GUJARAT BILL NO. 4 OF 2009.

A BILL

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 2009.

It is hereby enacted in the Sixtieth Year of the Republic of India as follows :-

1. This Act may be called the Gujarat (Supplementary) Short title. Appropriation Act, 2009.

2. From and out of the Consolidated Fund of the State of Gujarat, there shall be paid and applied sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum of six thousand seven hundred twenty-nine crores, seventy-one lacs, six thousand rupees towards defraying the several charges which will come in course of payment during the financial year ending on the thirty-first day of March, 2009, in respect of the services and purposes specified in column 2 of the Schedule.

Issue of
Rs. 67,29,71,06,000
from and out of
the Consolidated
Fund of the State
of Gujarat for the
financial year
2008-2009.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

Appropriation.

SCHEDULE
(See sections 2 and 3)

No. of Vote/ Appropriation.	Services and purposes.	Revenue/ Capital.	Sums not exceeding		
			Voted.	Charged on the Consolidated Fund.	Total.
1	2		3		
			Rs.	Rs.	Rs.
1	Agriculture and Co-operation Department	Revenue	2429000	0	2429000
2	Agriculture	Revenue	1442873000	35000	1442908000
3	Minor Irrigation, Soil Conservation and Area Development	Revenue	610736000	0	610736000
4	Animal Husbandry and Dairy Development	Revenue	91775000	0	91775000
		Capital	19800000	0	19800000
5	Co-operation	Revenue	228755000	0	228755000
		Capital	22795000	0	22795000
6	Fisheries	Revenue	2010000	0	2010000
7	Other Expenditure pertaining to Agriculture and Co-operation Department	Revenue	0	5000	5000
8	Education Department	Revenue	2308000	0	2308000
9	Education	Revenue	5629257000	30336000	5659593000
10	Other Expenditure pertaining to Education Department	Revenue	2800000	0	2800000
11	Energy and Petro-Chemicals Department	Revenue	1270000	0	1270000
12	Tax Collection Charges (Energy and Petrochemicals Department)	Revenue	1655000	0	1655000
13	Energy Projects	Revenue	9857799000	0	9857799000
		Capital	1000	0	1000
15	Finance Department	Revenue	4900000	0	4900000
16	Tax Collection Charges (Finance Department)	Revenue	64373000	20000	64393000
18	Pension and other Retirement Benefits.	Revenue	0	400000	400000
20	Repayment of debt pertaining to Finance Department and its servicing	Revenue	0	30000	30000
21	Food, Civil Supplies and Consumer Affairs Department	Revenue	9844000	0	9844000
22	Civil Supplies	Revenue	54228000	0	54228000
23	Food	Revenue	7188000	0	7188000
24	Other Expenditure pertaining to Food, Civil Supplies and Consumer Affairs Department	Capital	330000	0	330000
25	Forest and Environment Department	Revenue	2335000	0	2335000
26	Forest	Revenue	50100000	5161000	55261000
		Capital	66259000	0	66259000
29	Governor	Revenue	0	244000	244000
31	Election	Revenue	234691000	0	234691000
32	Public Service Commission	Revenue	18845000	6810000	25655000
33	General Administration Department	Revenue	16955000	0	16955000
34	Economic Advice and Statistics	Revenue	5685000	0	5685000
35	Other Expenditure pertaining to General Administration Department	Revenue	890985000	0	890985000
		Capital	6070000	0	6070000

1	2		3		
			Rs.	Rs.	Rs.
36	State Legislature	Revenue	9630000	0	9630000
38	Health and Family Welfare Department	Revenue	2165000	0	2165000
39	Medical and Public Health	Revenue	392198000	519000	392717000
		Capital	199910000	0	199910000
40	Family Welfare	Revenue	142288000	0	142288000
41	Other Expenditure pertaining to Health and Family Welfare Department	Revenue	105000	285000	390000
42	Home Department	Revenue	7139000	0	7139000
43	Police	Revenue	603018000	130028000	733046000
44	Jails	Revenue	44904000	0	44904000
45	State Excise	Revenue	10095000	72000	10167000
46	Other Expenditure pertaining to Home Department	Revenue	24924000	2749000	27673000
		Capital	256378000	0	256378000
47	Industries and Mines Department	Revenue	3036000	0	3036000
48	Stationery and Printing	Revenue	8885000	0	8885000
49	Industries	Revenue	6009000	0	6009000
		Capital	499550000	0	499550000
50	Mines and Minerals	Revenue	98232000	1301000	99533000
52	Other Expenditure pertaining to Industries and Mines Department	Revenue	0	14444000	14444000
54	Information and Publicity	Revenue	13601000	0	13601000
55	Other Expenditure pertaining to Information and Broadcasting Department	Revenue	11610000	0	11610000
57	Labour and Employment	Revenue	3266000	0	3266000
59	Legal Department	Revenue	2835000	0	2835000
60	Administration of Justice	Revenue	274051000	21600000	295651000
61	Other Expenditure pertaining to Legal Department	Revenue	35338000	0	35338000
		Capital	1100000	0	1100000
62	Legislative and Parliamentary Affairs Department	Revenue	1353000	0	1353000
64	Narmada, Water Resources, Water Supply and Kalpsar Department	Revenue	11190000	0	11190000
65	Narmada Development Scheme	Capital	29900000000	0	29900000000
66	Irrigation and Soil Conservation	Revenue	985186000	8768000	993954000
		Capital	0	35365000	35365000
67	Water Supply	Revenue	324000000	0	324000000
		Capital	376000000	0	376000000
68	Other Expenditure pertaining to Narmada, Water Resources, Water Supply and Kalpsar Department	Revenue	0	123278000	123278000
69	Panchayats, Rural Housing and Rural Development Department	Revenue	6724000	0	6724000
71	Rural Housing and Rural Development	Revenue	20301000	0	20301000
72	Compensation and Assignments	Revenue	632025000	0	632025000
73	Other Expenditure pertaining to Panchayats, Rural Housing and Rural Development Department	Revenue	205055000	0	205055000
74	Transport	Revenue	1672500000	5363000	1677863000

1	2		3		
			Rs.	Rs.	Rs.
75	Other Expenditure pertaining to Ports and Transport Department	Revenue	3450000	0	3450000
76	Revenue Department	Revenue	19680000	0	19680000
77	Tax Collection Charges (Revenue Department)	Revenue	12897000	39438000	52335000
78	District Administration	Revenue	330616000	240000	330856000
79	Relief on account of natural calamities	Revenue	67746000	73000	67819000
80	Dangs District	Revenue	19936000	0	19936000
81	Compensation and Assignments	Revenue	2599000	936000	3535000
		Capital	0	0	0
82	Other Expenditure pertaining to Revenue Department	Revenue	498201000	0	498201000
		Capital	5624000	0	5624000
84	Non-Residential Buildings	Revenue	708065000	3589000	711654000
		Capital	10000	0	10000
85	Residential Buildings	Revenue	31731000	0	31731000
		Capital	9113000	0	9113000
86	Roads and Bridges	Revenue	1468116000	14082000	1482198000
		Capital	255035000	35598000	290633000
87	Gujarat Capital Construction Scheme	Capital	1000	1581000	1582000
88	Other Expenditure pertaining to Roads and Buildings Department	Revenue	0	58586000	58586000
89	Science and Technology Department	Revenue	103525000	0	103525000
90	Other Expenditure pertaining to Science and Technology Department	Revenue	5000000	0	5000000
92	Social Security and Welfare	Revenue	35757000	0	35757000
93	Welfare of Scheduled Tribes	Revenue	69547000	0	69547000
94	Other Expenditure pertaining to Social Justice and Empowerment Department	Capital	2065000	0	2065000
95	Scheduled Castes Sub - Plan	Revenue	388121000	0	388121000
96	Tribal Area Sub-Plan	Revenue	357200000	19975000	377175000
		Capital	2000	11253000	11255000
97	Sports, Youth and Cultural Activities Department	Revenue	5007000	0	5007000
98	Youth Services and Cultural Activities	Revenue	207708000	0	207708000
100	Urban Development and Urban Housing Department	Revenue	2800000	0	2800000
101	Urban Housing	Revenue	0	103995000	103995000
102	Urban Development	Revenue	4922898000	0	4922898000
103	Compensation, Assignment and Tax Collection Charges	Revenue	50000000	0	50000000
104	Other Expenditure pertaining to Urban Development and Urban Housing Department	Revenue	3725000	0	3725000
105	Women and Child Development Department	Revenue	885000	0	885000
106	Other Expenditure pertaining to Women and Child Development Department	Revenue	800234000	1000	800235000
		Capital	100000000	0	100000000
	TOTAL :	Revenue	34900903000	592363000	35493266000
		Capital	31720043000	83797000	31803840000
	GRAND TOTAL :		66620946000	676160000	67297106000

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of article 204 of the Constitution of India read with article 205 thereof, to provide for the appropriation out of the Consolidated Fund of the State of Gujarat of the moneys required to meet the supplementary expenditure on certain services and purposes in relation to the financial year ending on the thirty-first day of March, 2009.

The amounts are shown below :-

Rs.

(a)	Revenue Expenditure	35,49,32,66,000
(b)	Capital Expenditure	31,80,38,40,000
	Total :-	<u>67,29,71,06,000</u>

Gandhinagar,
Dated the 26th February, 2009.

VAJUBHAI VALA.

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 27th February, 2009.

H. D. VYAS,
Secretary to Government of Gujarat,
Legislative and Parliamentary Affairs
Department.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the Gujarat Government Gazette. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

THE GUJARAT APPROPRIATION (VOTE ON ACCOUNT) BILL, 2009.

GUJARAT BILL NO. 5 OF 2009.

A BILL

to authorise withdrawal of certain sums from and out of the Consolidated Fund of the State of Gujarat for the services of a part of the financial year ending on the thirty-first day of March, 2010.

It is hereby enacted in the Sixtieth Year of the Republic of India as follows :-

1. This Act may be called the Gujarat Appropriation (Vote on Account) Act, 2009. Short title.
2. From and out of the Consolidated Fund of the State of Gujarat, there may be withdrawn sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum of seventeen thousand nine hundred eighty-seven crores, fifty-five lakhs, eighteen thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2009-2010. Withdrawal of Rs. 1,79,87,55,18,000 from and out of the Consolidated Fund of the State of Gujarat for the financial year 2009-2010.
3. The sums authorised to be withdrawn from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year. Appropriation.

SCHEDULE
(See sections 2 and 3)

Demand No./Voted/ Appropriation	Services and Purposes	Revenue / Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2		3		
			Rs.	Rs.	Rs.
1	Agriculture and Co-operation Department	Revenue	46103000		46103000
2	Agriculture	Revenue	3400969000		3400969000
		Capital	1667000		1667000
3	Minor Irrigation, Soil Conservation and Area Development	Revenue	655863000		655863000
		Capital	3000		3000
4	Animal Husbandry and Dairy Development	Revenue	426271000		426271000
5	Co-operation	Revenue	227494000		227494000
		Capital	67000		67000
6	Fisheries	Revenue	252992000		252992000
		Capital	16667000		16667000
7	Other Expenditure pertaining to Agriculture and Co-operation Department	Capital	3667000		3667000
8	Education Department	Revenue	16137000		16137000
9	Education	Revenue	22566129000	561667000	23127796000
		Capital	320300000		320300000
10	Other Expenditure pertaining to Education Department	Revenue	4147000		4147000
		Capital	121668000		121668000
11	Energy and Petro-Chemicals Department	Revenue	-7887000		7887000
12	Tax Collection Charges (Energy and Petrochemicals Department)	Revenue	29438000		29438000
13	Energy Projects	Revenue	8756100000		8756100000
		Capital	1253583000		1253583000
14	Other Expenditure pertaining to Energy and Petro-Chemicals Department	Revenue	2234000		2234000
		Capital	433000		433000
15	Finance Department	Revenue	34038000		34038000
16	Tax Collection Charges (Finance Department)	Revenue	407911000		407911000
17	Treasury and Accounts Administration	Revenue	207017000		207017000
18	Pension and other Retirement Benefits.	Revenue	9290667000	733000	9291400000
19	Other Expenditure pertaining to Finance Department	Revenue	7812686000		7812686000
		Capital	6537000	33000	6570000
20	Repayment of debt pertaining to Finance Department and its servicing	Revenue	0	26946114000	26946114000
		Capital		10822205000	10822205000
21	Food, Civil Supplies and Consumer Affairs Department	Revenue	38793000		38793000
22	Civil Supplies	Revenue	681289000		681289000
23	Food	Revenue	81932000		81932000
		Capital	700000		700000
24	Other Expenditure pertaining to Food, Civil Supplies and Consumer Affairs Department	Capital	367000		367000

1	2		3		
			Rs.	Rs.	Rs.
25	Forest and Environment Department	Revenue	11713000		11713000
26	Forest	Revenue	608802000	283000	609085000
		Capital	408651000		408651000
27	Environment	Revenue	16333000		16333000
28	Other expenditure pertaining to Forest and Environment Department	Capital	1977000		1977000
29	Governor	Revenue		11188000	11188000
30	Council of Ministers	Revenue	6617000		6617000
31	Election	Revenue	977624000		977624000
32	Public Service Commission	Revenue	8580000	14627000	23207000
33	General Administration Department	Revenue	144336000		144336000
34	Economic Advice and Statistics	Revenue	36218000		36218000
35	Other Expenditure pertaining to General Administration Department	Revenue	789861000	913000	790774000
		Capital	6573000		6573000
36	State Legislature	Revenue	66483000	708000	67191000
37	Loans and Advances to Government Servants in Gujarat Legislature Secretariat	Capital	1136000		1136000
38	Health and Family Welfare Department	Revenue	35014000		35014000
39	Medical and Public Health	Revenue	3444322000		3444322000
		Capital	208867000		208867000
40	Family Welfare	Revenue	744604000		744604000
41	Other Expenditure pertaining to Health and Family Welfare Department	Revenue	783000		783000
		Capital	5667000		5667000
42	Home Department	Revenue	58328000		58328000
43	Police	Revenue	4280322000		4280322000
44	Jails	Revenue	112984000		112984000
45	State Excise	Revenue	24937000		24937000
46	Other Expenditure pertaining to Home Department	Revenue	93234000	100000	93334000
		Capital	189167000		189167000
47	Industries and Mines Department	Revenue	25125000		25125000
48	Stationery and Printing	Revenue	145564000		145564000
49	Industries	Revenue	1738864000		1738864000
		Capital	3333000		3333000
50	Mines and Minerals	Revenue	132000000		132000000
51	Tourism	Revenue	149858000		149858000
52	Other Expenditure pertaining to Industries and Mines Department	Revenue	43683000		43683000
		Capital	3333000		3333000
53	Information and Broadcasting Department	Revenue	2892000		2892000
54	Information and Publicity	Revenue	155485000		155485000
55	Other Expenditure pertaining to Information and Broadcasting Department	Revenue	14245000		14245000
		Capital	1100000		1100000
56	Labour and Employment Department	Revenue	18650000		18650000
57	Labour and Employment	Revenue	593834000		593834000
58	Other Expenditure pertaining to Labour and Employment Department	Capital	2685000		2685000

1	2		3		
			Rs.	Rs.	Rs.
59	Legal Department	Revenue	14315000		14315000
60	Administration of Justice	Revenue	662014000	111663000	773677000
61	Other Expenditure pertaining to Legal Department	Revenue	195736000		195736000
		Capital	5333000		5333000
62	Legislative and Parliamentary Affairs Department	Revenue	9124000		9124000
63	Other Expenditure pertaining to Legislative and Parliamentary Affairs Department	Capital	183000		183000
64	Narmada, Water Resources, Water Supply and Kalpsar Department	Revenue	29300000		29300000
65	Narmada Development Scheme	Capital	7916233000		7916233000
66	Irrigation and Soil Conservation	Revenue	2271115000		2271115000
		Capital	4147595000		4147595000
67	Water Supply	Revenue	2035633000		2035633000
		Capital	2266667000		2266667000
68	Other Expenditure pertaining to Narmada, Water Resources, Water Supply and Kalpsar Department	Capital	5500000		5500000
69	Panchayats, Rural Housing and Rural Development Department	Revenue	13773000		13773000
70	Community Development	Revenue	2010389000		2010389000
71	Rural Housing and Rural Development	Revenue	1651529000	561567000	2213096000
72	Compensation and Assignments	Revenue	253606000		253606000
73	Other Expenditure pertaining to Panchayats, Rural Housing and Rural Development Department	Revenue	479850000		479850000
		Capital	45107000		45107000
74	Transport	Revenue	1355390000		1355390000
		Capital	435000000		435000000
75	Other Expenditure pertaining to Ports and Transport Department	Revenue	4617000		4617000
		Capital	33000		33000
76	Revenue Department	Revenue	56179000		56179000
77	Tax Collection Charges (Revenue Department)	Revenue	345968000		345968000
78	District Administration	Revenue	438998000		438998000
79	Relief on account of Natural Calamities	Revenue	2198137000		2198137000
		Capital	539833000		539833000
80	Dangs District	Revenue	81944000		81944000
81	Compensation and Assignments	Revenue	41690000	267000	41957000
		Capital	600000	67000	667000
82	Other Expenditure pertaining to Revenue Department	Revenue	2955000		2955000
		Capital	1720000		1720000
83	Roads and Buildings Department	Revenue	33060000		33060000
84	Non-Residential Buildings	Revenue	1242805000	1013000	1243818000
		Capital	1001381000		1001381000
85	Residential Buildings	Revenue	395700000		395700000
		Capital	67538000		67538000

1	2		3		
			Rs.	Rs.	Rs.
86	Roads and Bridges	Revenue	4803532000		4803532000
		Capital	2757817000		2757817000
87	Gujarat Capital Construction Scheme	Revenue	30762000		30762000
		Capital	279000000		279000000
88	Other Expenditure pertaining to Roads and Buildings Department	Revenue	34392000		34392000
		Capital	20333000		20333000
89	Science and Technology Department	Revenue	274398000		274398000
90	Other Expenditure pertaining to Science and Technology Department	Revenue	64033000		64033000
		Capital	28172000		28172000
91	Social Justice and Empowerment Department	Revenue	12600000		12600000
92	Social Security and Welfare	Revenue	1297683000	4000000	1301683000
		Capital	49113000		49113000
93	Welfare of Scheduled Tribes	Revenue	295824000		295824000
		Capital	15417000		15417000
94	Other Expenditure pertaining to Social Justice and Empowerment Department	Capital	1233000		1233000
95	Scheduled Castes Sub-Plan	Revenue	3097675000		3097675000
		Capital	227001000		227001000
96	Tribal Area Sub-Plan	Revenue	6502312000		6502312000
		Capital	3968777000		3968777000
97	Sports, Youth and Cultural Activities Department	Revenue	13049000		13049000
98	Youth Services and Cultural Activities	Revenue	352619000		352619000
99	Other Expenditure pertaining to Sports, Youth and Cultural Activities Department	Capital	438000		438000
100	Urban Development and Urban Housing Department	Revenue	7345000		7345000
101	Urban Housing	Revenue	228000	226007000	226235000
102	Urban Development	Revenue	10535281000		10535281000
		Capital	100000000		100000000
103	Compensation, Assignment and Tax Collection Charges	Revenue	377667000	106700000	484367000
104	Other Expenditure pertaining to Urban Development and Urban Housing Department	Revenue	2727000		2727000
		Capital	1003000		1003000
105	Women and Child Development Department	Revenue	3665000		3665000
106	Other Expenditure pertaining to Women and Child Development Department	Revenue	1074175000	1667000	1075842000
		Capital	33635000		33635000
	Total :	Revenue	114031186000	28549217000	142580403000
		Capital	26472810000	10822305000	37295115000
	Grand Total :		140503996000	39371522000	179875518000

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of clause (2) of article 206 of the Constitution of India, to provide for the appropriation out of the Consolidated Fund of the State of Gujarat of the moneys required to meet the expenditure charged on the Consolidated Fund of the State of Gujarat and the grants made in advance by the Legislative Assembly in respect of the estimated expenditure for a part of the financial year ending on the 31st March, 2010.

The amounts are shown below: -		Rs.
(a)	Revenue Expenditure	1,42,58,04,03,000
(b)	Capital Expenditure	37,29,51,15,000
Total :-		1,79,87,55,18,000

Gandhinagar,
Dated the 26th February, 2009.

VAJUBHAI VALA.

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 27th February, 2009.

H. D. VYAS,
Secretary to Government of Gujarat,
Legislative and Parliamentary
Affairs Department.



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PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE NIRMA UNIVERSITY OF SCIENCE AND TECHNOLOGY (AMENDMENT) BILL, 2009.

GUJARAT BILL NO. 8 OF 2009.

A BILL

*further to amend the Nirma University of Science and Technology
Act, 2003.*

It is hereby enacted in the Sixtieth Year of the Republic of India as follows :-

1. (1) This Act may be called the Nirma University of Science and Technology (Amendment) Act, 2009. Short title and commencement.

(2) It shall come into force at once.

Guj. 10 of 2003. 2. In the Nirma University of Science and Technology Act, 2003 (hereinafter referred to as "the principal Act"), in the long title, for the words "the Nirma University of Science and Technology", the words "the Nirma University" shall be substituted. Amendment of long title of Guj. 10 of 2003.

Amendment of 3.
sections 12 and
3 of Guj 10 of
2003.

In the principal Act, -

- (i) in section 1, in sub-section (1),
- (ii) in section 2, in clause (o), and
- (iii) in section 3, in sub-sections (1) and (2),

for the words "the Nirma University of Science and Technology" wherever they occur, the words "the Nirma University" shall be substituted.

Amendment of 4.
section 4 of Guj.
10 of 2003.

In the principal Act, in section 4, -

- (1) for the words "science and technology for the advancement of mankind", the words "science and technology, dental, medical, paramedical, physiotherapy, pharmacy, commerce, management, education and humanities for the advancement of mankind" shall be substituted;
- (2) for clauses (ii), (iii), (iv) and (vi), the following clauses shall be substituted respectively, namely :-
 - "(ii) to create centres of excellence for providing knowledge, education, training and research facilities of high order in the field of science, technical, dental, medical, paramedical, physiotherapy, pharmacy, commerce, management, education, humanities and other related professional education as per its current status and such other manner as may develop in future, including continuing education and distance learning;
 - (iii) to develop patterns of teaching a Certificate or Diploma courses, Undergraduate, Post-graduate courses and Doctoral level and to maintain a high standard of education and its applications; to create capabilities for grading science and technology, dental, medical paramedical, physiotherapy, pharmacy, commerce, management, education and humanities;
 - (iv) to develop training facilities and make arrangements for training in higher education including professional education and allied fields; to provide or inter-relationships for national and global participation in the field of science and technology, dental, medical paramedical, physiotherapy, pharmacy, commerce, management, education, humanities and its allied fields;
 - (vi) to provide for arrangement for national and global participation in the field of higher and professional education including technical education, dental, medical

paramedical, physiotherapy, pharmacy, commerce, management, education, humanities; and”.

5. In the principal Act, in section 6, for clauses (ii), (iii), (ix) and (xii), the following clauses shall be substituted respectively, namely :- **Amendment of section 6 of Guj. 10 of 2003.**

- “(ii) to provide for instruction, training, research, advancement and dissemination in such branches of knowledge or learning pertaining to science and technology, dental, medical paramedical, physiotherapy, pharmacy, commerce, management, education, humanities and allied areas;
- (iii) to conduct innovative experiments in new teaching and learning methods and technologies in the field of science and technology, dental, medical paramedical, physiotherapy, pharmacy, commerce, management, education, humanities and allied areas in order to achieve international standards of such education, training and research;
- (ix) to sponsor and undertake research in all aspects of science and technology, dental, medical paramedical, physiotherapy, pharmacy, commerce, management, education, humanities and allied areas;
- (xii) to develop and maintain relationships with teachers, researchers and domain experts in science and technology, dental, medical paramedical, physiotherapy, pharmacy, commerce, management, education, humanities and allied areas in any part of the world for achieving the objects of the University.”.

6. In the principal Act, in section 10, in sub-section (1), for clause (v), the following clause shall be substituted, namely :- **Amendment of section 10 of Guj. 10 of 2003.**

- “(v) Secretary to Government (Higher and Technical Education), Education Department, Government of Gujarat;”.

7. In the principal Act, in section 14, in sub-section (1), for clause (iv), the following clause shall be substituted, namely :- **Amendment of section 14 of Guj. 10 of 2003.**

- “(iv) All Deans of the University;”.

8. In the principal Act, in sections 2, 3, 9, 10, 12, 14, 16, 18, 19, 20, 21, 32, 33, 34 and 35, for the word “Director” wherever it occurs, the words “Director General” shall be substituted. **Common amendment of sections 2, 3, 9, 10, 12, 14, 16, 18, 19, 20, 21, 32, 33, 34 and 35 of Guj. 10 of 2003.**

STATEMENT OF OBJECTS AND REASONS

This Bill is proposed to amend the Nirma University of Science and Technology Act, 2003. The University has intended to expand the horizon of its sphere of educational activities and objectives of the University. Initially, the University was mainly working in the field of Science and Technology but by the passage of time, the University has taken its roots very firmly in the field of higher education in the State. However, the need of providing services with high standard in the different field of higher education particularly, in other professional education, is now increasing and the Nirma University of Science and Technology also would like to contribute to the society in this field in terms of imparting training and conducting research and therefore, it is proposed by the University to include new subjects and faculties and varieties of higher education so that its activities are not restricted to one sphere of life science only. Therefore, it is proposed to include dental, medical, paramedical, physiotherapy, pharmacy, commerce, management, education, humanities and other allied areas in the objectives of the University. Therefore, it is proposed to amend the Act so as to include the aforementioned subjects in the objectives of the University. Due to these amendments, it is thought proper to amend the nomenclature of the "Nirma University of Science and Technology" to the "Nirma University" so that it may not suggest the restricted area of learning of the said University. It is also proposed to re-designate the Director of the University as the Director General. In view of the expanded horizon of the objectives of the University, it is thought proper to have the Secretary, Higher Education on the Board of Governance of the University instead of the Secretary, Science and Technology, Government of Gujarat.

This Bill seeks to amend the said Act to achieve the aforesaid objects.

Gandhinagar,
Dated the 18th June, 2009.

RAMANLAL VORA.

By order and in the name of the Governor of Gujarat,

Gandhinagar
Dated the 18th June, 2009.

H. D. VYAS,
Secretary to the Government of Gujarat,
Legislative and Parliamentary
Affairs Department.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the Gujarat Government Gazette. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

THE SARDAR PATEL UNIVERSITY (AMENDMENT) BILL, 2009.

GUJARAT BILL NO. 9 OF 2009.

A BILL

further to amend the Sardar Patel University Act, 1955.

It is hereby enacted in the Sixtieth Year of the Republic of India as follows:-

1. This Act may be called the Sardar Patel University (Amendment) Act, 2009. Short title and commencement.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment
of section 2 of
Bom. XL of
1955.

2. In the Sardar Patel University Act, 1955 (hereinafter referred to as "the principal Act"), in section 2,-- Bom. XL of 1955.

(a) for clause (6), the following clause shall be substituted, namely:-

"(6) "Commissioner of Higher Education" means the Commissioner of Higher Education, Gujarat State;";

(b) in clause (8), for the words "High School", the words "Higher Secondary School" shall be substituted;

(c) for clause (10), the following clause shall be substituted, namely:-

"(10) "higher secondary school" means a school imparting higher secondary education as defined by clause (hhh) of section 2 of the Gujarat Secondary and Higher Secondary Education Act, 1972;".

Guj. 18 of 1973.

Amendment of
section 15 of
Bom. XL of
1955.

3. In the principal Act, in section 15,-

(1) under the heading "I. *Ex-Officio Fellows*", in para (B),-

(a) for item (ii), the following shall be substituted, namely :-

"(ii) The Collector, Anand District;";

(b) for item (v), the following item shall be substituted, namely :-

"(v) The Secretary to the Government of Gujarat, Education Department or an officer not below the rank of Deputy Secretary, nominated by him;";

(c) for item (vi), the following item shall be substituted, namely:-

"(vi) The Commissioner / Director of Higher Education or an officer of the said office, nominated by the State Government;";

(d) for item (vii), the following item shall be substituted, namely:-

"(vii) The Chief District Medical Officer of Anand District;";

(e) for item (x), the following item shall be substituted, namely:-

"(x) The Commissioner / Director of Industries, Gujarat State or an officer not below the rank of Deputy Commissioner or Director of the said office, nominated by the State Government;";

(f) for item (xi), the following item shall be substituted, namely:-

"(xi) The Commissioner / Director of Technical Education, Gujarat State or an officer of the said office, nominated by the State Government;";

(g) for item (xia), the following item shall be substituted, namely:-

“(xia) The Commissioner / Director of Health and Medical Services and Medical Education or an officer of the said office, nominated by the State Government;”;

- (h) in item (xii), for the words “ Public Works Department”, the words “Roads and Buildings Department” shall be substituted;

(2) under the heading “II. *Ordinary Fellows*”, in para (A), in item (va), for the words “Kaira District Panchayat”, the words “Anand District Panchayat” shall be substituted.

4. In the principal Act, in section 22, in sub-section (1), for clauses (b), (bi) and (bii), the following clauses shall be substituted, namely :-

Amendment of
section 22 of
Bom. XL of
1955.

“(b) The Commissioner / Director of Higher Education or an officer nominated by the State Government under clause (vi) of paragraph (B) of I. *Ex-Officio Fellows* of section 15;

(bi) The Commissioner / Director of Technical Education or an officer nominated by the State Government under clause (xi) of paragraph (B) of I. *Ex-Officio Fellows* of section 15;

(bii) The Commissioner / Director of Health and Medical Services and Medical Education or an officer nominated by the State Government under clause (xia) of paragraph (B) of I. *Ex-Officio Fellows* of section 15;”.

5. In the principal Act, in the proviso to section 33, for the words “Gujarat Secondary Education Board”, the words “Gujarat Secondary and Higher Secondary Education Board” shall be substituted.

Amendment of
section 33 of
Bom. XL of
1955.

6. In the principal Act, in Schedule I, for the word “Kaira”, the word “Anand” shall be substituted.

Amendment of
Schedule I to
Bom. XL of
1955.

STATEMENT OF OBJECTS AND REASONS

As per the existing Schedule I of the Sardar Patel University Act, 1955, the University area of the Sardar Patel University is comprised of the area within the limits of Vallabh Vidyanagar in the Anand Taluka of the Kaira District and the area within a radius of five miles from the office of the University situated at Vallabh Vidyanagar. The Kheda District has been reconstituted into two districts, namely Kheda District and Anand District and accordingly Anand District Panchayat is also constituted in 1999. The University area of the Sardar Patel University situated at Vallabh Vidyanagar falls within the limits of Anand Taluka of Anand District. It has therefore become expedient to amend the relevant clause of the Act so as to provide for one representative elected by members of the Anand District Panchayat as an ordinary fellow in the Senate of the University instead of Kaira District. The Minister of Education is *ex-officio* member of the Senate. It is considered that the Minister should not be a member of the Senate of the University, hence, section 15 is amended accordingly. An opportunity is also taken for amending certain clauses and items of sections 2, 15 and 22 and words of section 33 of the Act due to change of designation and nomenclature of the officers and offices.

This Bill seeks to amend the said Act to achieve the aforesaid object.

RAMANLAL VORA,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative power in the following respect, namely :-

Clause 1.- Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

The delegation of legislative power as aforesaid is necessary and is of a normal character.

Dated the 22nd June, 2009.

RAMANLAL VORA.

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 22nd June, 2009.

H. D. VYAS,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs
Department.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the Gujarat Government Gazette. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

THE GUJARAT REPEALING BILL, 2009.

GUJARAT BILL NO. 10 OF 2009.

A BILL

to repeal certain Acts.

WHEREAS it is expedient to repeal certain obsolete Acts.

It is hereby enacted in the Sixtieth Year of the Republic of India as follows:-

1. This Act may be called the Gujarat Repealing Act, 2009.
2. The Acts specified in the Schedule are hereby repealed.

Short title.

Repeal of certain Acts.

SCHEDULE
(See section 2)

Year	No.	Short title of the Act.
1951	Bom.XII	The Bombay Tenancy and Agricultural Lands (Amendment) Act, 1951.
1951	Bom.XXXIV	The Bombay Tenancy and Agricultural Lands (Second Amendment) Act, 1951.
1951	Bom.XLV	The Bombay Tenancy and Agricultural Lands (Third Amendment) Act, 1951.
1952	Bom.XXXIII	The Bombay Tenancy and Agricultural Lands (Amendment) Act, 1952.
1953	Bom.LX	The Bombay Tenancy and Agricultural Lands (Amendment) Act, 1953.
1956	Bom.XIII	The Bombay Tenancy and Agricultural Lands (Amendment) Act, 1955.
1957	Bom.XV	The Bombay Tenancy and Agricultural Lands (Amendment) Act, 1957.
1957	Bom.XXXVIII	The Bombay Tenancy and Agricultural Lands (Second Amendment) Act, 1957.
1958	Bom.LXIII	The Bombay Tenancy and Agricultural Lands (Amendment) Act, 1958.
1959	Bom.XXX	The Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area)(Amendment) Act, 1959.
1960	Bom.IV	The Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area)(Second Amendment) Act, 1959.
1965	Guj.24	The Gujarat Tenancy Law (Defence Personnel) (Amendment) Act, 1965.
1965	Guj.36	The Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1965.
1968	Guj.22	The Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) (Gujarat Amendment) Act, 1968.
1969	Guj.15	The Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1969.
1971	Guj.2	The Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1970.
1973	Guj.5	The Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1972.
1973	Guj.17	The Bombay Tenancy and Agricultural Lands(Vidarbha Region and Kutch Area) (Gujarat Amendment) Act, 1972.

Year	No.	Short title of the Act
1973	Guj.19	The Bombay Tenancy and Agricultural Lands(Gujarat Amendment) Act, 1973.
1974	President's Act 7	The Bombay Tenancy and Agricultural Lands(Gujarat Amendment) Act, 1974.
1976	President's Act 14	The Bombay Tenancy and Agricultural Lands(Gujarat Amendment) Act, 1976.
1976	President's Act 37	The Gujarat Tenancy Laws (Amendment) Act, 1976.
1977	Guj.3	The Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1977.
1977	Guj.30.	The Gujarat Tenancy Laws (Amendment) Act, 1977.
1978	Guj.11	The Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1978.
1979	Guj. 4	The Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1979.
1980	Guj. 4	The Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1980.
1981	Guj.13	The Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1981.
1982	Guj.5	The Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1982.
1984	Guj.8	The Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1984.
1986	Guj.8	The Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1986.
1987	Guj.8	The Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1987.
1987	Guj.21	The Bombay Tenancy and Agricultural Lands (Gujarat Second Amendment) Act, 1986.

STATEMENT OF OBJECTS AND REASONS

The Gujarat State Law Commission has, in its Second Report, recommended to repeal certain Acts as the said Acts are not only very old, but are obsolete also because the provisions of these amending Acts have already become part of the respective principal Acts, so in the sense, these amending Acts are of no utility now. Thus, 33 Acts specified in the Schedule do not require to be kept on the Statute Book. It is, therefore, considered necessary to repeal the aforesaid obsolete Acts.

This Bill seeks to achieve the aforesaid objects.

Dated the 22nd June, 2009.

ANANDIBEN PATEL.

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 22nd June, 2009.

H. D. VYAS,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs
Department.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the Gujarat Government Gazette. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

THE GUJARAT PRIVATE UNIVERSITIES BILL, 2009.

GUJARAT BILL NO. 11 OF 2009.

A BILL

to provide for establishment and incorporation of private Universities in the State of Gujarat, with emphasis to provide for qualitative and industry relevant higher education and to regulate their functions and for the matters connected therewith or incidental thereto.

It is hereby enacted in the Sixtieth Year of the Republic of India as follows :-

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Gujarat Private Universities Act, 2009. Short title, extent and commencement.
- (2) It extends to the whole of the State of Gujarat.
- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

Definitions. 2. In this Act, unless the context otherwise requires,-

- (a) "AICTE" means All India Council for Technical Education established under section 3 of the All India Council for Technical Education Act, 1987; 52 of 1987.
- (b) "CSIR" means the Council of Scientific and Industrial Research, New Delhi, a funding agency of the Central Government;
- (c) "distance education" means imparting of education through any means of communication, such as broadcasting, telecasting, correspondence courses, seminars, contact programmes or the combination of any two or more of such means;
- (d) "DST" means the Department of Science and Technology of the Central Government;
- (e) "Fee" means collection made by the University from the students for different purposes under different heads and which is non-refundable;
- (f) "Government" means the Government of Gujarat;
- (g) "Higher Education" means study of a curriculum or course for the pursuit of knowledge beyond 10+2 level;
- (h) "Hostel" means a place of residence for the students of the University, or its colleges, institutions or centers, maintained or recognised to be as such by the University;
- (i) "ICAR" means the Indian Council of Agricultural Research, a society registered under the Societies Registration Act, 1860; XXI of 1860.
- (j) "MCI" means Medical Council of India constituted under the Medical Council Act, 1956; 102 of 1956.
- (k) "NAAC" means the National Council of Assessment and Accreditation, an autonomous institution of the UGC;
- (l) "NCTE" means the National Council for Teacher Education established under the National Council for Teacher Education Act, 1993; 73 of 1993.
- (m) "Off Campus Centre" means a centre established by the University outside the main campus but within the State of Gujarat operated and maintained as its constituent unit, having the University's complement of facilities, faculty and staff;
- (n) "PCI" means Pharmacy Council of India constituted under section 4 of the Pharmacy Act, 1948; 8 of 1948.
- (o) "prescribed" means prescribed by rules made under this Act;
- (p) "Regulatory Body" means a body established by the Central Government, for laying down the norms and conditions for ensuring

academic standards of higher education, such as UGC, AICTE, NCTE, MCI, PCI, NAAC, ICAR, DEC, CSIR;

- (q) "Regulations" means regulations made by any authority of the University under section 30;
- (r) "Rules" means rules made under section 44;
- (s) "Schedule" means the Schedule appended to this Act;
- (t) "Sponsoring body" in relation to a University established under this Act means-
 - (i) a society registered under the Societies Registration Act, 1860; or 21 of 1860.
 - (ii) a public trust registered under the Bombay Public Trusts Act, 1950; or Bom. 29 of 1950.
 - (iii) a company registered under section 25 of the Companies Act, 1956; or 1 of 1956.
 - (iv) a society or trust registered under the law of any other State;
- (u) "Statutes" and "Ordinances" means the Statutes and the Ordinances of the University;
- (v) "Student" means a student of the University and includes any person enrolled in the University for pursuing any course of study for a degree, diploma or other academic distinction duly instituted by the University, including a research degree;
- (w) "Study centre" means a centre established, maintained or recognised by the University for the purpose of advising, counseling or for rendering any other assistance required by the students in the context of distance education in the State of Gujarat;
- (x) "Teacher" means a Professor, Reader, Lecturer or any other person required to impart education or to guide research or to render guidance in any other form to the students for pursuing a course of study of the University;
- (y) "UGC" means the University Grants Commission established under section 4 of the University Grants Commission Act, 1956; 3 of 1956.
- (z) "University" means a University established and incorporated under section 3.

CHAPTER II

ESTABLISHMENT OF UNIVERSITY

Establishment
and
incorporation of
Universities.

3. (1) There shall be established the Universities by the names mentioned in the Schedule.

(2) The headquarters of the University shall be within the State of Gujarat and shall be notified by the State Government.

(3) The Governing Body, the Board of Management, the Academic Council, the President, the Provost, the Registrar, the teachers, the Chief Finance and Accounts Officer and such other officers or members or authorities so long as they continue to hold such office or membership of the respective University mentioned in the Schedule are hereby constitute a body corporate by the name of the respective University specified in the Schedule.

(4) The Universities shall function as non-affiliating Universities and they shall not affiliate any other college or institution for the conferment of degree, diploma and for grant of certificate to the students admitted therein.

(5) The constituent colleges and institutions of the Sponsoring Body affiliated to and enjoying the privileges of any University immediately before the commencement of this Act shall cease to be affiliated from that University and shall be deemed to be withdrawn from such privileges from the date of commencement of this Act and shall be deemed to be admitted to the privileges of corresponding University of the respective Sponsoring Body specified in the Schedule and all such colleges and institutions shall be the constituents colleges and institutions of that University.

(6) Each such University shall be a body corporate by the name specified in the Schedule and shall have perpetual succession and common seal with power, subject to the provisions of this Act, to acquire and hold property, to contract and shall, by the said name, sue or be sued.

(7) The Universities shall not receive any grant-in-aid or other financial assistance from the State Government or the Central Government.

Objects of
University.

4. The objects of the Universities shall be to create, organize, preserve and disseminate knowledge in the fields of science, technology, humanities, social sciences, education, management, commerce, law, pharmacy, healthcare and any other field for the advancement of mankind in particular and other objects of the Universities shall be as follows, namely :-

- (a) to provide for instruction, teaching and training in the University in the field of higher education and make provisions for research, advancement and dissemination of knowledge;
- (b) to establish, maintain and manage institutions and centres of excellence, to create, organize, preserve and disseminate knowledge

- in the fields of sciences, technology, humanities, social sciences, education, management, commerce, law, pharmacy, healthcare and any other field and to provide research, higher education, professional education, distance learning and e-learning facilities of high order, as per their current status or as they may develop in future;
- (c) to develop infrastructure for research, higher education, professional education, teaching, training, extension and outreach, including continuing education, distance learning and e-learning, to create capabilities for upgrading infrastructure to global standards;
 - (d) to offer the academic programmes of the University through distance education, online education, correspondence and any other mode matching with the environmental developments such as technology need, after obtaining appropriate approvals from the regulatory bodies;
 - (e) to set up off-campus centres, study centres and examination centres within the State, subject to the permission of the regulatory bodies under any law made by the Parliament and any regulation, rules, etc. made by the regulating bodies;
 - (f) to create higher levels of intellectual abilities;
 - (g) to establish state of the art facilities for education and training;
 - (h) to carry out teaching and research and offer continuing education programmes;
 - (i) to create centres of excellence for research and development and for sharing knowledge and its application;
 - (j) to provide consultancy to the industry and public organisations;
 - (k) to establish main campus or infrastructure in the State of Gujarat necessary for the furtherance of its objects;
 - (l) to establish examination centers;
 - (m) to confer degrees, diplomas, grant certificates and other academic distinctions on the basis of examination or any other method of evaluation subject to the guidelines of the UGC;
 - (n) to develop training facilities in the field of higher education;
 - (o) to provide for arrangement for national and global participation in the field of higher education;
 - (p) to develop educational programmes for certificates, diplomas, degrees and post-graduates courses, doctorate degrees and post-doctoral programmes and to maintain a high standard of education,

to collaborate with national and global institutions, to offer programmes and to create capabilities for upgrading programmes to the global standards subject to the guidelines of the UGC;

- (q) to ensure that the standard of the degrees, diplomas, certificates and other academic distinctions are not lower than those laid down by AICTE, NCTE, UGC, MCI and Pharmacy Council, and any other similar agency established by the Central Government for regulating the standard education;
- (r) to establish close linkage with the industry, business, educational institutions and other sections of the society to make teaching, research, training, documentation, publication, use of various media and outreach activities at the University relevant to the needs of the University and society, at national and international level;
- (s) to pursue any other objectives as may be approved by the State Government :

Provided that notwithstanding anything contained in this Act and save as provided in any Central Act, the University shall be eligible to undertake the functions of disseminating of knowledge only in the fields for which the State Government has issued letter of intent or in the fields subsequently approved by the State Government.

**Powers and
functions of
University.**

5. The University shall exercise the following powers and perform the following functions, namely:-

- (i) to administer and manage the University, establish, administer and manage its constituent colleges and centres for research, education, training, extension and outreach including continuing education, distance learning and e-learning at its campus within the State of Gujarat;
- (ii) to provide for research, higher education, professional education, teaching, training, extension and outreach including continuing education, distance learning and e-learning in the fields of science, technology, humanities, social sciences, education, management, commerce, law, pharmacy, healthcare and any other fields;
- (iii) to conduct innovative experiments in educational technologies, teaching and learning methods, to collaborate with national and international institutions and to offer joint programmes with such institutes to constantly improve the delivery of education and to achieve international standards of education;
- (iv) to prescribe courses, curricula and methodologies including electronic and distance learning and provide for flexibility in the delivery of education.
- (v) to hold examinations and confer degrees, diplomas or grant certificates and other academic distinctions or titles on persons

subject to such condition as the University may determine and to withdraw or cancel any such degrees, diplomas or certificates and other academic distinctions or titles in the manner prescribed by the Regulations;

- (vi) to confer honorary degrees or other distinctions in the manner prescribed by the Statutes;
- (vii) to establish schools, centers, institutes, colleges and conduct the programmes and courses of study as are in the opinion of the University, necessary for the furtherance of its objects;
- (viii) to declare as a constituent college any college, centre institution imparting education as are in the opinion of the University, necessary for the furtherance of its objects or to establish a new constituent college, centre institution for the purpose;
- (ix) to provide for printing, publication and reproduction of research, educational material and other works and to organize exhibitions, conferences, workshops and seminars;
- (x) to establish knowledge resource centre;
- (xi) to sponsor and undertake research and educational programmes in the fields of science, technology, humanities, social sciences, education, management, commerce, law, pharmacy, healthcare and any other allied areas;
- (xii) to collaborate or associate with any educational institution with like or similar objects;
- (xiii) to establish campuses including virtual campus for the purpose of achieving the objectives of the University;
- (xiv) to undertake research and to obtain registration in respect of such research in the nature of patents, design rights and such or similar rights with the competent authorities;
- (xv) to maintain linkages and collaborate with educational or other institutions in any part of the world having objects wholly or partially similar to those of the University, through exchange of students, researchers, faculty and staff and generally in such manner as may be conducive to their common objects;
- (xvi) to render services of research, training, consultancy and such other services as required for the purposes of the University;
- (xvii) to develop and maintain relationships with faculty, researchers, administrators and domain experts in science, technology, humanities, social sciences, education, management, law,

commerce, pharmacy, healthcare and allied area for achieving the objects of the University;

- (xviii) to regulate the expenditure and to manage the finances and to maintain the accounts of the University;
- (xix) to receive funds, movable and immovable properties, equipments, software and other resources from business, industry, other sections of society, national and international organization or any other source by transfers or as gifts, donations, benefactions or bequests for the purposes and objects of the University;
- (xx) to establish, maintain and manage halls, hostels for students and quarters for the residence of faculty and staff;
- (xxi) to construct, manage and maintain centers, complexes, auditorium, buildings, stadium for the advancement of sports, cultural, co-curricular and extra-curricular activities;
- (xxii) to supervise and control the residence and regulate the discipline of students, faculty and staff of the University and to make arrangements for promoting their health, general welfare, social and cultural activities;
- (xxiii) to fix, demand and receive or recover fees and such other charges as may be prescribed by the Statutes;
- (xxiv) to institute and award fellowships, scholarships, prizes, medals and other awards;
- (xxv) to purchase or to take on lease or accept as gifts, bequests, legacies or otherwise any land or building or works which may be necessary or convenient for the purpose of the University and on such terms and conditions as it may think fit and proper and to construct or alter and maintain any such building or works;
- (xxvi) to sell, exchange, lease or otherwise dispose of all or any portion of the properties of the University, movable or immovable, on such terms as it may think fit and consistent with the interest, activities and objects of the University;
- (xxvii) to draw and accept, to make and endorse, to discount and negotiate promissory notes, bills of exchange, cheques and other negotiable instruments;
- (xxviii) to raise and borrow money on bond, mortgages, promissory notes or other obligations or securities founded or based upon all or any of the properties and assets of the University or without any securities and upon such terms and conditions as it may think fit and to payout of the funds of the University, all expenses

incidental to the raising of money, and to repay and redeem any money borrowed;

- (xxix) to invest the funds of the University in or upon such securities and transpose any investment from time to time in such manner as it may deem fit in the interest of the University;
- (xxx) to execute conveyances regarding transfers, mortgages, leases, licenses, agreements, and other conveyances in respect of property, movable or immovable including Government securities belonging to the University or to be acquired for the purpose of the University;
- (xxxix) to admit students for the courses offered by the University in the manner prescribed by the Ordinances;
- (xxxii) to create academic, technical, administrative, ministerial and other posts prescribing qualifications by the Ordinances and to make appointments thereto;
- (xxxiii) to regulate and enforce discipline among the students, employees of the University and to provide for such disciplinary measures as may be prescribed by the Regulations;
- (xxxiv) to institute professorships, associate professorships, assistant professorships, readerships, lectureships, and any other teaching, academic or research posts and to prescribe by the Statutes, the qualifications for the persons to be appointed on such posts;
- (xxxv) to appoint qualified persons as professors, associate professors, assistant professors, readers, lecturers or as teachers and researchers or other officers of the University;
- (xxxvi) to co-operate with other Universities, and acquire membership of, bodies, authorities, or associations, which may have been formed for the advancement of learning, science or research, or for the dissemination of knowledge or for the physical and moral welfare of students, in such manner and for such purpose as the University may determine by Statutes;
- (xxxvii) to delegate all or any of its powers (except the power to make regulations) to any officer or authority of the University, and;
- (xxxviii) to do all such acts and things as the University may consider necessary conducive or incidental to the attainment or enlargement of all or any of the objects of the University.

Application for
establishment of
new private
University.

Project Report.

XXI of 1860.
Bom. 29 of 1950.
I of 1956.

6. Any sponsoring body desirous to have a private University established by a law of the State legislature, shall make an application containing the proposal and the project report in such manner containing such particulars along with such fee as may be prescribed.
7. In addition to the particulars as may be prescribed under section 6 and this section, the project report shall contain the following, namely:-
 - (a) The details of the sponsoring body along with the copies of its registration certificate under the Societies Registration Act, 1860 or the Bombay Public Trusts Act, 1950 or the Companies Act, 1956 or registration certificate of a society or trust registered under the law of any other State and constitution and bye-laws thereof;
 - (b) The information regarding financial resources of the sponsoring body along with audited accounts for the past five years;
 - (c) The name, location and headquarters of the proposed University;
 - (d) The objectives of the University;
 - (e) The availability of land and details of buildings and infrastructure facilities, if already exist;
 - (f) Availability of academic facilities including teaching and non-teaching staff, if any, at the disposal of the sponsoring body;
 - (g) The details of plans for campus development such as construction of buildings, development of structural amenities and infrastructure facilities and procurement of equipment, etc. to be undertaken before the University starts functioning and phased programme for initial three years;
 - (h) The phased outlays of capital expenditure proposed for the next three years and its sources of finance;
 - (i) The nature and type of programmes of study and research proposed to be undertaken by the University and their relevance to the development goals and employment needs of the State and phasing of such programmes over the initial three years with course wise enrolment targets;
 - (j) The experience and expertise in the concerned disciplines at the command of the sponsoring body;
 - (k) The nature of facilities, courses of study and research proposed to be started;
 - (l) The estimated recurring expenditure course-wise or activity-wise, sources of finance and estimated expenditure per student;

- (m) The scheme for mobilizing resources and the cost of capital thereto and the manner of repayment to such sources;
- (n) The scheme for the generation of funds internally through the recovery of fee from students, revenues anticipated from consultancy services and other activities relating to the objects of the University, and other anticipated incomes;
- (o) The proposed fee structure with reference to the details of expenditure on unit cost and the extent of concessions or rebates in fee or free-ships and scholarships to the poor students from economically poor or socially backward families, including Scheduled Castes, Scheduled Tribes, other Backward Classes and handicapped students;
- (p) The system proposed to be followed for selecting students for admission to the courses of study at the University except in cases of Professional Educational College or Institutions as defined in the Gujarat Professional Technical Educational Colleges or Institutions (Regulation of Admission and Fixation of Fees) Act, 2007 or the Gujarat Professional Medical Educational Colleges or Institutions (Regulation of Admission and Fixation of Fees) Act, 2007;
- (q) The manner for appointment of teachers and other employees in the University;
- (r) The details of study centres proposed to be started, if the University takes up distance education programme;
- (s) The nature of specialized teaching, training or research activities to be undertaken by the University so as to fulfill its objectives, if the University proposes to undertake some programmes related to local needs;
- (t) The relevant details must also be provided if the University proposes to start some programmes for the benefit of farmers, women and industries;
- (u) The details of play grounds and other facilities available or proposed to be created for games and sports and extra curricular activities like National Cadet Corps, National Service Scheme, Scouts and Guides, etc;
- (v) The arrangements proposed to be made for academic auditing;
- (w) Justification regarding the necessity of establishment of the proposed University;
- (x) Commitment to follow the norms of the regulating bodies;
- (y) Such other details as the sponsoring body may like to give;
- (z) Such other details as may be prescribed.

Guj. 2 of 2008.

Guj.3 of 2008.

**Scrutiny
Committee.**

8. (1) The Government shall constitute a scrutiny committee consisting of such members as may be specified by it to consider the proposals for setting up of a new private University.

(2) The committee shall consider the proposal and the project report based on the information given under sections 6 and 7 and recommend or otherwise whether the proposal to set up a new private University is appropriate and whether the sponsoring body is competent to run this University.

(3) The committee, while considering the proposal and the project report under sub-section (2), may call for such other information from the sponsoring body as it thinks proper for the purpose.

(4) The committee shall submit its report to the Government as far as possible within a period of three months from the date of referring the new proposal to it.

Letter of intent.

9. On receipt of the report of the scrutiny committee constituted under section 8, if the Government is satisfied it may issue a letter of intent or call further details from the sponsoring body of the proposed University, or may reject the proposal.

**Establishment
and
incorporation of
University by
legislation.**

10. If the Government is satisfied that the sponsoring body has complied with the conditions of Letter of Intent, it may bring appropriate legislation for inclusion of the name of the University in the Schedule with such name, location and jurisdiction as specified in the Schedule.

**Constituent
Colleges.**

11. The University may, as and when it may deem fit and proper, establish and manage some constituent colleges and centres for research, education, training, extension and outreach including continuing education, distance learning and e-learning at its campus at any place within the State of Gujarat.

**University
open to all
irrespective of
sex, religion,
class, creed or
opinion.**

12. (1) No person shall be excluded from any office of the University or from membership of any of its authorities or from admission to any degree, diploma or other academic distinction or course of study on the ground of sex, race, creed, class, caste, place of birth, religious belief or political or other opinion.

(2) It shall not be lawful for the University to impose on any person any test whatsoever relating to sex, race, creed, caste, class, place of birth, religious belief or political or other opinion in order to entitle him to be admitted as a student or to hold any office or post in the University or to qualify for any degree, diploma or other academic distinction or to enjoy or exercise any privileges of the University or any benefaction thereof.

CHAPTER III OFFICERS OF UNIVERSITY

**Officers of
University.**

13. The following shall be the officers of the University, namely:-

(a) The President;

(b) The Provost;

- (c) The Registrar;
- (d) The Chief Finance and Accounts Officer; and
- (e) such other officers as may be declared by the Statutes to be the officers of the University.

14. (1) The President shall be appointed by the sponsoring body, in consultation with the State Government, for a period of three years by following such procedure and on such terms and conditions as may be prescribed by the Statutes.

President.

(2) The President shall be the head of the University.

(3) The President shall preside at the meetings of the Governing Body and at the convocation of the University for conferring degrees, diplomas or other academic distinctions and in his absence by any other member of the Governing Body nominated by it.

(4) The President shall have the following powers, namely:-

- (a) to call for any information or record;
- (b) to appoint the Provost;
- (c) to remove the Provost in accordance with the provisions of sub-section (6) of section 15;
- (d) such other powers as may be prescribed by the Statutes.

15. (1) The Provost shall be appointed by the Governing Body out of the panel of three persons recommended by the Search Committee consisting of the following members, and shall, subject to the provisions of sub-section (6), hold office for a term of three years :-

Provost.

- (i) an eminent professional to be nominated by the Board of Management;
- (ii) an eminent educationalist to be nominated by the Board of Management; and
- (iii) one member of the Board of Management to be nominated by the President :

Provided that, after expiry of the term of three years, a person shall be eligible for re-appointment for another term of three years:

Provided further that a Provost shall continue to hold the office even after expiry of his term till new Provost take charge of the office, but in any case this period shall not exceed one year :

Provided also that the President may appoint first Provost for a period of one year or until the regular Provost is appointed under this section whichever is earlier.

(2) The Provost shall be the principal executive and academic officer of the University and shall exercise general superintendence and control over the affairs of the University and shall execute the decisions of various authorities of the University.

(3) Where in the opinion of the Provost it is necessary to take immediate action on any matter for which powers are conferred on any other authority by or under this Act, he may take such action as he deems necessary and shall at the earliest opportunity thereafter report his action to such officer or authority as would have in the ordinary course dealt with the matter:

Provided that if in the opinion of the concerned officer or authority such action should not have been taken by the Provost then such case shall be referred to the President, whose decision thereon shall be final:

Provided further that where any such action taken by the Provost affects any person in the service of the University, such person shall be entitled to prefer, within three months from the date on which such action is communicated to him, an appeal to the Board of Management and it may confirm or modify or reverse the action taken by the Provost.

(4) Where, in the opinion of the Provost, decision of any authority of the University is not within the powers conferred by this Act or the Statutes, the Ordinances, the Regulations or the rules or is likely to be prejudicial to the interests of the University, he shall request the concerned authority to revise its decision within fifteen days from the date of its decision and in case the authority refuses to revise such decision wholly or partly or fails to take any decision within fifteen days, then such matter shall be referred to the President and his decision thereon shall be final.

(5) The Provost shall exercise such powers and perform such functions as may be prescribed by the Statutes or the Ordinances.

(6) The President may, on representation made or otherwise and after making such inquiry as may be necessary and is of the opinion that the continuance of the Provost in office is not in the interests of the University, by an order in writing stating the reasons therein, direct the Provost to relinquish his office from the date specified in the order:

Provided that before taking an action under this sub-section, the Provost shall be given an opportunity of being heard.

Registrar.

16. (1) The appointment of the Registrar shall be made by the Chairperson of the sponsoring body in such manner as may be prescribed by the Statutes.

(2) All contracts shall be signed and all documents and records shall be authenticated by the Registrar on behalf of the University.

(3) The Registrar shall be the Member-Secretary of the Governing Body, the Board of Management and Academic Council but he shall not have a right to vote.

(4) The Registrar shall exercise such powers and perform such duties as may be specified in the Statutes or the Ordinances.

Chief Finance and
Accounts Officer.

17. (1) The appointment of the Chief Finance and Accounts Officer shall be made by the President in such manner as may be prescribed by the Statutes.

(2) The Chief Finance and Accounts Officer shall exercise such powers and perform such duties as may be specified in the Statutes or the Ordinances.

Other officers.

18. (1) The University may appoint such other officers as may be necessary for its functioning.

- (2) The manner of appointment of other officers of the University and their powers and functions shall be such as may be specified in the Statutes or the Ordinances.

CHAPTER IV AUTHORITIES OF UNIVERSITY

19. The following shall be the authorities of the University, namely:-

Authorities of
University.

- (a) The Governing Body;
- (b) The Board of Management;
- (c) The Academic Council; and
- (d) such other authorities as may be declared by the Statutes to be the authorities of the University.

20. (1) The Governing Body of the University shall consist of the following members, namely:-

Governing Body

- (a) The President;
- (b) The Provost;
- (c) Four persons to be nominated by the sponsoring body out of whom two shall be eminent educationist;
- (d) Two Deans or Directors of the constituent schools or centres of the University, by rotation, to be nominated by the Provost;
- (e) One expert of Management or Information Technology from outside the University to be nominated by the Governing Body;
- (f) Three experts representing other disciplines such as finance, legal, social sector to be nominated by the Governing Body;
- (g) One eminent industrialist to be nominated by the Governing Body; and
- (h) Secretary to the Government of Gujarat, Higher and Technical Education or his representative not below the rank of Deputy Secretary to Government or the Deputy Commissioner – *ex-officio*.

- (2) The President shall be the Chairman of the Governing Body.

- (3) (a) Save as otherwise provided in this section, the term of nominated members of the Board shall be three years from the date of nomination;

- (b) An *ex-officio* member shall continue so long as he holds the office by virtue of which he is such a member.

- (c) As nearly as one third of the nominated members, except the *ex-officio* member shall retire by rotation each year. In the first two

instances, the Board may decide the procedure to identify the members who will retire.

(d) A member may be re-nominated for the next term.

(e) A member may resign his office by writing under this hand, addressed to the Chairperson, but he shall continue in office until his resignation has been accepted by the Chairperson.

(4) The Governing Body shall be the supreme authority of the University. All the movable and immovable property of the University shall vest in the Governing Body.

(5) The Governing Body shall have the following powers, namely:-

- (a) to provide general superintendence and directions and to control functioning of the University by using all such powers as are provided by this Act or the Statutes, Ordinances, Regulations or Rules made thereunder;
- (b) to review the decisions of other authorities of the University in case they are not in conformity with the provisions of this Act or the Statutes, Ordinances, Regulations or Rules made thereunder;
- (c) to approve the budget and annual report of the University;
- (d) to lay down the extensive policies to be followed by the University;
- (e) to recommend to the sponsoring body about the voluntary liquidation of the University; and
- (f) such other powers as may be prescribed by the Statutes.

(6) The Governing Body shall meet at least three times in a calendar year.

(7) Minimum four members shall form a quorum for a meeting of the Governing Body.

Board of
Management

21. (1) The Board of Management shall consist of the following persons, namely:-

- (a) the President;
- (b) the Provost;
- (c) two members of the Governing Body, to be nominated by the Sponsoring Body;
- (d) two persons, who are not the members of the Governing Body, to be nominated by the Sponsoring Body;

- (e) three persons from amongst the faculty members of the University, to be nominated by the Sponsoring Body; and
- (f) one faculty member, to be nominated by the President.

(2) The President shall be the Chairperson of the Board of Management :

Provided that President may at his discretion, nominate any other member of the Governing Body to be the Chairperson of the Board of Management.

(3) The powers and functions of the Board of Management shall be such as may be prescribed by the Statutes.

(4) The Board of Management shall meet once in every two months.

(5) Minimum four members shall form a quorum for a meeting of the Board of Management.

22. (1) The Academic Council shall consist of the Provost and such other members as may be prescribed by the Statutes.

Academic
Council.

(2) The Provost shall be the Chairperson of the Academic Council.

(3) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, the Statutes, the Ordinances and the rules made thereunder, co-ordinate and exercise general supervision over the academic policies of the University.

(4) The quorum for meetings of the Academic Council shall be such as may be prescribed by the Statutes.

23. (1) A person shall be disqualified for being a member of any of the authorities or bodies of the University, if –

Disqualifications.

- (a) he is of unsound mind and stands so declared by a competent court;
- (b) he is an undischarged insolvent;
- (c) he has been convicted of any offence involving moral turpitude;
- (d) he is conducting or engaging himself in private coaching with or without pecuniary gain; or

- (e) he has been punished for indulging in or promoting unfair practice in the conduct of any examination, in any form, anywhere.

Vacancies not to invalidate the constitution of, or the proceedings of any Authority or body of University.

24. No act or proceedings of any authority of the University shall be invalid merely by reason of any vacancy in or defect in the constitution of any authority or body of the University.

Committees.

25. The authorities of the University may constitute such committees with such terms of reference as may be necessary for specific tasks to be performed by such committees. The constitution of such committees, powers to be exercised and duties to be performed shall be such as may be prescribed by the Statutes.

CHAPTER V STATUTES, ORDINANCES AND REGULATIONS

First Statutes.

26. (1) Subject to the provisions of this Act, and the rules made thereunder, the First Statutes may provide for all or any of the following matters, namely:-

- (a) the constitution, powers and functions of the authorities and other bodies of the University as may be constituted from time to time;
- (b) the terms and conditions of appointment of the Provost, his powers and functions;
- (c) the manner and terms and conditions of appointment of the Registrar and Chief Finance and Accounts Officer, their powers and functions;
- (d) the manner and terms and conditions of appointment of other officers and teachers and their powers and functions;
- (e) the terms and conditions of service of employees of the University;
- (f) the procedure for arbitration in cases of disputes between employees or students and the University;
- (g) the conferment of honorary degrees;
- (h) the provisions regarding exemption from payment of tuition fee and awarding scholarships and fellowships to the students;
- (i) framing of policy for admissions, including regulation of reservation of seats; and
- (j) fees to be charged from students.

(2) The First Statutes of the University shall be made by the Governing Body and shall be submitted to the State Government for its approval.

(3) The State Government shall consider the First Statutes, submitted by the University and shall approve it as far as possible within two months from the date of its receipt, with or without modifications, as it may deem necessary.

(4) The University shall communicate its agreement to the First Statutes as approved by the State Government, and if it desires not to give effect to any or all the modifications made by the State Government under sub-section (3), it may give reasons therefore and after considering such reason, the State Government may or may not accept the suggestions made by the University.

(5) The State Government shall publish the First Statutes, as finally approved by it, in the *Official Gazette*, and thereafter it shall come into force from the date of such publication.

27. (1) Subject to the provisions of this Act and the rules made thereunder, the subsequent Statutes of the University may provide for all or any of the following matters, namely:- Subsequent Statutes.

- (a) Creation of new authorities of the University;
- (b) Accounting policy and financial procedure;
- (c) Representation of teachers in the authorities of the University;
- (d) Creation of new departments and abolition or restructuring of existing department;
- (e) Institution of medals and prizes;
- (f) Procedure for creation and abolition of posts;
- (g) Revision of fees;
- (h) Alteration of the number of seats in different disciplines; and
- (i) All other matters which by or under the provisions of this Act required to be prescribed by the Statutes.

(2) The Statutes of the University other than the First Statutes shall be made by the Board of Management with the approval of the Governing Body.

(3) The Statutes made under sub-section (2) shall be submitted to the State Government and it may approve or, if considers necessary, give suggestions for modification as far as possible within two months from the date of receipt of the Statutes.

(4) The Governing Body shall consider the modifications suggested by the State Government and return the Statutes to it with its agreement to such changes or with its comments on the suggestions made by the State Government.

(5) The State Government shall consider the comments of the Governing Body and may approve the Statutes with or without modifications and it shall be published by it in the *Official Gazette*, and shall come into force from the date of such publication.

**First
Ordinances.**

28. (1) Subject to the provisions of this Act, the rules and the Statutes made thereunder, the First Ordinances may provide for all or any of the following matter, namely:-

- (a) The admission of students to the University and their enrolment as such;
- (b) The courses of study to be laid down for degrees, diplomas and certificates of the University;
- (c) The award of degrees, diplomas, certificates and other academic distinctions, the minimum qualifications for the same;
- (d) The conditions for award of fellowships, scholarships, stipends, medals and prizes;
- (e) The conduct of examinations, including the terms of office and manner of appointment and the duties of examining bodies, examiners and moderators;
- (f) Fees to be charged for the various courses examinations, degrees or diplomas of the University;
- (g) The conditions of residence of the students of the University;
- (h) Provision regarding disciplinary action against the students;
- (i) The creation, composition and functions of any other body which is considered necessary for improving the academic life of the University;
- (j) The manner of co-operation and collaboration with other Universities and institutions of higher education;
- (k) Such other matters which are required to be provided by the Ordinances by or under this Act.

(2) The First Ordinances of University shall be made by the President which after being approved by the Board of Management, shall be submitted to the State Government for its approval.

(3) The State Government shall consider the First Ordinances submitted by the President under sub-section (2) as far as possible within two months from the date of its receipt and may approve it or give suggestions for modifications therein.

(4) The President shall either modify the Ordinances incorporating the suggestion of the State Government or give reasons for not incorporating any of the suggestions made by the State Government and shall return the First Ordinances along with such reasons, if any, to the State Government and on receipt of the same, it shall consider the comments of the President and may approve the First Ordinances of the University with or without such modifications and it shall be published by the State Government in the *Official Gazette*, and it shall come into force from the date of such publication.

29. (1) All Ordinances other than the First Ordinances shall be made by the Academic Council which after being approved by the Board of Management shall be submitted to the State Government for its approval.

Subsequent
Ordinances.

(2) The State Government shall consider the Ordinances submitted by the Academic Council under sub-section (1) as far as possible within two months from the date of its receipt and may approve it or give suggestions for modifications therein.

(3) The Academic Council shall either modify the Ordinances incorporating the suggestion of the State Government or give reasons for not incorporating any of the suggestions made by the State Government and shall return the Ordinances along with reason, if any, to the State Government and on receipt of the same, it shall consider the comments of the Academic Council and may approve the Ordinances with or without modifications and it shall be published by it in the *Official Gazette*, and shall come into force from the date of such publication.

30. The authorities of the University may, subject to the prior approval of the Board of Management make Regulations, consistent with this Act, the rules, the Statutes and the Ordinances made thereunder, for the conduct of business of the each such authority and committees constituted by each such authority.

Regulations.

CHAPTER VI REGULATION OF UNIVERSITY

31. (1) The State Government may, for the purpose of ascertaining the standards of teaching, examination and research or any other matter relating to the University, cause an assessment to be made in such manner as may be prescribed, by such person or persons as it may deem fit.

Powers of
State
Government
to give
directions.

(2) The State Government shall communicate its recommendations to the University on the basis of such assessment for corrective action. The University may adopt such corrective measures and make efforts so as to ensure the compliance of the recommendations.

(3) The State Government may give such directions as it may deem fit if the University fails to comply with the recommendation made under sub-section (2) within a reasonable time. The directions given by the State Government shall be immediately complied by the University.

Admissions and
fee structure.

32. (1) The existing provisions of the State Government relating to admissions and fee structure shall be applicable to such private Universities.

(2) Admission in the University shall be strictly on the basis of merit.

(3) Merit for admission in the University may be determined either on the basis of marks or grade obtained in the qualifying examination and achievements in co-curricular and extra-curricular activities or on the basis of marks or grade obtained in the entrance test conducted at State level either by an association of the Universities conducting similar courses or by any agency of the State Government :

Provided that the admission in professional educational colleges or institutions of such private Universities shall be governed under the provisions of the Gujarat Professional Technical Educational Colleges or Institutions (Regulation of Admission and Fixation of Fees) Act, 2007 and the Gujarat Professional Medical Educational Colleges or Institutions (Regulation of Admission and Fixation of Fees) Act, 2007.

Guj. 2 of 2008.

Guj. 3 of 2008.

Convocation.

33. The Convocations of the University may, for conferring degrees, diplomas or for any other purpose, be held in every academic year in the manner as may be prescribed by the Statutes.

Accreditation of
University.

34. The University shall obtain accreditation from the National Council of Assessment and Accreditation (NAAC) within five years of its establishment and such other regulating bodies of Government of India which are connected with the courses taken up by the University and inform the State Government about the grade provided to the University. The University shall get renewed such accreditation from time to time.

University to
follow rules,
regulations,
norms, etc. of
regulating
bodies.

35. Notwithstanding anything contained in this Act, the University shall be bound to comply all the rules, regulations, norms, etc. of the regulating bodies of Government of India and provide all such facilities and assistance to such bodies as are required by them to discharge their duties and carry out their functions.

CHAPTER VII FUNDS OF UNIVERSITY

36. (1) The sponsoring body shall establish an Endowment Fund for the University with an amount specified in Letter of Intent. **Endowment Fund.**
- (2) The Endowment Fund shall be used as security deposit to ensure that the University complies with the provisions of this Act and functions as per provisions of this Act, the Statutes and the Ordinances. The State Government shall have the powers to forfeit, a part or whole of the Endowment Fund in case the University or the sponsoring body contravenes the provisions of this Act, the Statutes, the Ordinances, the regulations or the rules made thereunder.
- (3) The University may utilize the income from Endowment Fund for the development of infrastructure of the University and not with to meet the recurring expenditure of the University.
- (4) The amount of Endowment Fund shall be invested in such instruments as the Government may prescribe and kept invested until the dissolution of the University.
- (5) In case of investment in long term security, the certificates of the securities shall be kept in the safe custody of the Government and in case of deposit in the interest bearing Personal Deposit account in the Government Treasury, deposit shall be made with the condition that the amount shall not be withdrawn without the permission of the Government.
37. Every University shall establish a fund, which shall be called the General Fund to which the following shall be credited, namely: **General Fund.**
- (a) Fees and other charges received by the University;
 - (b) Any contributions made by the sponsoring body;
 - (c) Any income received from consultancy and other work undertaken by the University in pursuance of its objectives;
 - (d) Trusts, bequests, donations, endowments and any other grants; and
 - (e) All other sums received by the University.
38. The General Fund shall be utilized for the following objects, namely:- **Application of General Fund.**
- (a) For the repayment of debts including interest charges thereto incurred by the University for the purposes of this Act and the Statutes, the Ordinances, the Regulations and the Rules made thereunder with the prior approval of the Governing Body;
 - (b) To upkeep the assets of the University;

- (c) For the payment of the fee for audit of the funds created under sections 36 and 37;
- (d) To meet with expenses of any suit or proceedings by or against the University;
- (e) For the payment of salaries, allowances, Provident Fund contributions, gratuity and other benefits to officers, employees and members of the teaching and research staff;
- (f) For the payment of travelling and other allowances of the members of the Governing Body, the Board of Management, the Academic Council, other authorities and the members of any committee appointed by any of the authority or the Chairperson of the sponsoring body or the Provost;
- (g) For the payment of fellowships, freeships, scholarships, assistantships and other awards to the students belonging to economically weaker sections of the society or research associates, trainees or, as the case may be, to any student otherwise eligible for such awards under the Statutes, the Ordinances, the Regulations or the Rules;
- (h) for the payment of any expenses incurred by the University in carrying out the provisions of this Act or the Statutes, the Ordinances, the Regulations or the Rules;
- (i) for the payment of cost of capital, not exceeding the prime lending rate from time to time of the State Bank of India, incurred by the Sponsoring Body for setting up the University and the investments made therefor;
- (j) for the payment of charges and expenditure relating to the consultancy work undertaken by the University in pursuance of the provisions of this Act and the Rules, the Statutes or the Ordinances made thereunder;
- (k) for the payment of any other expenses including service fee payable to any organization charged with the responsibility of providing any specific service, including the managerial services to the University, on behalf of the sponsoring body, as approved by the Board of Management to be an expense for the purposes of the University:

Provided that no expenditure shall be incurred by the University in excess of the limits for total recurring expenditure and total non-recurring expenditure for the year, as may be fixed by the Board of Management, without prior approval of the Board of Management.

CHAPTER VIII ACCOUNTS, AUDIT AND ANNUAL REPORT

39. The Annual Report of the University shall be prepared by the University which shall include among other matters, the steps taken by the University towards the fulfillment of its objects and shall be submitted to the State Government.

Annual
report.

40. (1) The annual accounts including balance sheet of the University shall be prepared by the University and the annual accounts shall be audited at least once in every year by the auditors appointed by the University for this purpose.

Annual Account
and Audit.

(2) A copy of the annual accounts together with the audit report shall be submitted to the State Government

CHAPTER IX WINDING UP OF UNIVERSITY

41. (1) If the sponsoring body proposes to dissolve itself according to the provisions of law governing its constitution or incorporation, it shall give at least six months prior notice to the State Government.

Management of
University on
dissolution of
Sponsoring Bod

(2) The State Government shall, on receipt of such notice make such arrangements as may be necessary, for the administration of the University from the date of dissolution of the sponsoring body till the completion of syllabus by the last batch of students admitted to the University and may also cause the functioning of the University to continue by appointing an administrator in place of the sponsoring body, who shall be entrusted with the powers, duties and functions of the Sponsoring Body as prescribed under this Act.

42. (1) The Sponsoring Body who intends to dissolve the University shall give a notice to that effect in the prescribed manner to the State Government. The State Government, after due consideration, may dissolve the University in the manner as may be prescribed:

Dissolution of
University.

Provided that the dissolution of the University shall have effect only after the last batches of students of the regular courses have completed their courses and they have been awarded degrees, diplomas or, as the case may be, awards.

(2) On the dissolution of the University all the assets and liabilities of the University shall vest in the Sponsoring Body in the manner as may be prescribed.

(3) Where the State Government decides under sub-section (1) to dissolve the University, it may vest the powers of the Governing Body in the prescribed manner to other societies having similar objects till the dissolution of the University takes effect under the proviso to sub-section (1).

Special powers of
State
Government in
certain
circumstances.

43. (1) Where the State Government is of the opinion that the University has contravened any of the provisions of this Act, the Rules, the Statutes or the Ordinances made thereunder or has violated any of the directions issued by it under this Act or a situation of financial mismanagement or mal-administration has arisen in the University, it shall issue the notice requiring the University to show cause within forty-five days as to why an administrator be not appointed.

(2) On receipt of reply of the University on the notice issued under sub-section (1), if the State Government is satisfied that there is a *prima facie* case of contravention of any of the provisions of this Act, the Rules, the Statutes or the Ordinances made thereunder or violation of directions issued by it under this Act or there is financial mismanagement or maladministration, it shall make an order of such inquiry as it may consider necessary.

(3) The State Government shall, for the purposes of any such inquiry under sub-section (2), appoint an inquiry officer or officers to inquire into any of the allegations and to make report thereon.

(4) The inquiry officer or officers appointed under sub-section (3) shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 while trying a suit in respect of the following matters, namely:- 5 of 1908.

- (a) Summoning and enforcing the attendance of any person and examining him on oath;
- (b) Requiring the discovery and production of any such document or any other material as may be predicable in evidence;
- (c) Requisitioning any public record from any court or office.

(5) On receipt of the inquiry report from the officer or officers appointed under sub-section (3), if the State Government is satisfied that the University has contravened all or any of the provisions of this Act, the Rules, the Statutes or the Ordinances made thereunder or has violated any of the directions issued by it under this Act or a situation of financial mismanagement and maladministration has arisen in the University which threatens the academic standard of the University, it may appoint an administrator.

(6) The administrator appointed under sub-section (5) shall exercise all the powers and perform all the duties of the Governing Body and the Board of Management under this Act and shall administer the affairs of the University until the last batch of the students of the regular courses have completed their courses and they have been awarded with degrees, diplomas or, as the case may be, awards.

(7) After having been awarded the degrees, diplomas or, as the case may be, awards to the last batches of the students of the regular courses, the administrator shall make a report to that effect to the State Government.

(8) On receipt of the report under sub-section (7), the State Government shall dissolve the University and on dissolution of the University, all the assets and liabilities of the University shall vest in the sponsoring body.

CHAPTER X MISCELLANEOUS

44. (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act. **Power of State Government to make rules.**

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely :-

- (a) the manner of making proposal to establish University and the fees payable under section 6;
- (b) other particulars of the Project Report under clause (z) of section 7;
- (c) other matters of the Statutes under sub-section (1) of section 27;
- (d) arrangements for the administration of the University on the dissolution of the Sponsoring Body under sub-section (2) of section 41.

(3) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as may be after they are made and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

45. Notwithstanding anything contained in this Act or the Regulations, any student of the constituent colleges or institutions of the University specified in the Schedule and affiliated to any University who immediately before the commencement of this Act was studying or was eligible for any examination of that University shall be permitted to complete his course in preparation therefore, and the University shall provide for the instruction, teaching, training and examination of such students, in accordance with the courses of studies of the respective University in such manner and for such period as may be prescribed. **Completion of courses of students.**

46. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the *Official Gazette*, make provisions not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty : **Power to remove difficulties.**

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before the State Legislature.

SCHEDULE
(See section 3)

Sr. No.	Name and address of the Private University	Details of registration and registration number	Sponsoring Body.
1.	The Ahmedabad University, Ahmedabad.	F/C7 Ahmedabad Under the Bombay Public Trusts Act, 1950 767 of 1935-1936, Bombay under the Societies Registration Act, 1860.	Ahmedabad Education Society, Commerce Six Roads, Navrangpura, Ahmedabad.
2.	The Navrachna University, Vadodara.	No. 325/Vadodara dated 31.12.1965 under the Societies Registration Act, 1860.	Navrachna Education Society, Vadodara.
3.	The Calorx Teacher's University, Ahmedabad.	U74999DL2005NPL134403, Assistant Registrar of Companies, New Delhi (Under Section No. 25 of the Companies Act).	Calorx Foundation, Calorx Institute of Education, Ahmedabad, DPS - Greenwood Campus, 200ft, Ring Road, Nr. Greenwood Lake Resort, SGVP Circle, Ahmedabad.
4.	The Charotar University of Science and Technology, Changa.	A/2568/Kheda dated 21.4.1994 Under the Bombay Public Trusts Act, 1950 Revised No. A/1299, Anand dated 15.10.2001	Shree Charotar Moti Sattavis Patidar Kelavani Mandal, Vidyavihar Marg, Anand-Vidyanagar Road, Anand - 388 001.

STATEMENT OF OBJECTS AND REASONS

In the present era of knowledge, the institutions of higher education are expanding their dimensions in the field of teaching, learning and research. This has lead to inter-cultural and inter-disciplinary mobility of students, teachers, researchers and programmers which has resulted in achieving the goal of globalization and expansion in the field of higher education.

Many institutions have approached the State Government to allow them to enter in the field of qualitative higher education of international standards and make avail it to the students in the State at their door steps.

After perusal of their demand carefully and the needs of the students in the field of higher education, the State Government is of the view that it is necessary to promote such private Universities on self-finance basis run by Trusts or private bodies registered under the relevant laws. In order to regulate the functions of private Universities and with a view to bring uniformity in the formation of private Universities, it is considered necessary to enact a law for establishment and incorporation of private Universities providing qualitative and industry relevant higher education in the State of Gujarat.

This Bill seeks to achieve the aforesaid objects.

The following notes on clauses explain, in brief, some of the important provisions of the Bill.

Chapter I.- Clause 1 provides for the short title, extent and commencement of the Act;

Clause 2 provides for certain terms used in the Bill.

Chapter II.- This Chapter contains *Clauses 3 to 12* which relate to establishment and incorporation of the private University, its headquarters, territorial jurisdiction, objects, powers and functions of the Universality. *Clauses 6 to 10* relate to establishment of new future private University.

Chapter III.- This Chapter relates to officers of the University. *Clauses 13 to 18* of this chapter provide for the President, the Provost, the Registrar and the Chief Finance and Accounts Officers of the University. It also provides for

the qualifications, conditions of service, powers, duties and functions of the officers of the University.

Chapter IV.- This Chapter relates to authorities of the University. *Clauses 19 to 25* of this chapter provide for the authorities of the University such as Governing Body, the Board of Management and the Academic Council and also for the constitution, powers, duties and functions of the said authorities of the University.

Chapter V.- This Chapter contains *Clauses 26 to 30* which relate to the Statutes, Ordinances and Regulations as under:-

- (i) *Clause 26* empowers the Governing Body to make the First Statutes of the University for the matters specified therein;
- (ii) *Clause 27* empowers the Board of Management to make the Statutes other than the First Statutes for the matters specified therein;
- (iii) *Clause 28* empowers the President to make the First Ordinances of the University for the matters specified therein;
- (iv) *Clause 29* empowers the Academic Council to make Ordinances other than the First Ordinances of the University.
- (v) *Clause 30* empowers the authorities of the University to make Regulations for the conduct of there own business.

Chapter VI.- This Chapter contains *Clauses 31 to 35* which relate to the power of State Government to give directions, the admissions and fee structure of the University and accreditation of the University.

Chapter VII.- This Chapter contains *Clauses 36 to 38* which relate to Endowment Fund and General Fund of the University and also provide application of that Funds.

Chapter VIII.- This Chapter contains *Clauses 39 and 40* which provide for the preparation and maintenance of annual accounts, audit and annual reports by the University.

Chapter IX.- This Chapter relates to the winding up of the University. It contains *Clauses 41 to 44* as under:-

- (i) *Clause 41* provides for management of the University on dissolution of Sponsoring Body;
- (ii) *Clause 42* provides for dissolution of the University;
- (iii) *Clause 43* provides special powers of the State Government in certain circumstances.

Chapter X.- This Chapter relates to miscellaneous provisions. It contains *Clauses 44 to 46* as under:-

- (i) *Clause 44* empowers the State Government to make rules;
- (ii) *Clause 45* provides for the completion of course of study, instruction, teaching, training and examination of such students of the constituent Colleges or Institutions of the University specified in the Schedule and affiliated to any University who was studying or was eligible for any examination of that University in accordance with the courses of studies of the respective University.
- (iii) *Clause 46* provides for the powers of the State Government to remove difficulties arising within three year from the date of the commencement of the Act.

RAMANLAL VORA,

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into force, would involve expenditure from the Consolidated Fund of the State.

Clause 8.- This clause provides for the constitution of scrutiny committee consisting of such number of members to consider the proposals for setting up of new private Universities. This would involve expenditure of recurring nature with respect to pay and allowances of the members of the committee and such other expenses out of the Consolidated Fund of the State.

The University to be established under the provisions of the Bill would be private University and would not be eligible for any kind of financial grant from the State Government.

If the provisions of *Clause 8* of the Bill is enacted and brought into operation, would involve an estimated annual expenditure of rupees one lac from the Consolidated fund of the State.

RAMANLAL VORA,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative powers in the following respects: -

Clause 1.—Sub-clause (3) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

Clause 3.—This clause empowers the State Government to notify the headquarters of the University within the State of Gujarat.

Clause 5.— This clause empowers Academic Council, Governing Body and other authorities of the University to frame Ordinances, Statutes and Regulations respectively for the following matters, namely:-

- (i) para (v) of clause 5 empowers to prescribe by Ordinance the courses, curricula and methodologies including electronic and distance learning;
- (ii) para (xxxi) of clause 5 empowers to prescribe by Ordinance the manner to admit the students for the courses offered by the University;
- (iii) para (xxxii) of clause 5 empowers to prescribe by Ordinance for creating academic, technical, administrative, ministerial and other posts prescribing qualifications and to make appointments thereto;
- (iv) para (vi) of clause 5 empowers to prescribe by Statutes for conferring honorary degrees or other distinctions;
- (v) para (xxiii) of clause 5 empowers to prescribe by Statutes for the fees and other charges to be fixed, demanded, received or recovered by the University.
- (vi) para (xxxiv) of clause 5 empowers to prescribe by Statutes for the qualifications for professors, associate professor, assistant

professor, reader, lecturers and any other teaching, academic or research posts;

- (vii) para (xxxvi) of clause 5 empowers to prescribe the manner in which the University shall co-operate with other Universities, and acquire membership of, bodies, authorities, or associations for the advancement of learning, science or research, or for the dissemination of knowledge or for the physical and moral welfare of students;
- (viii) para (v) of clause 5 empowers to prescribe by Regulations for holding examinations and conferring degrees, diplomas or grant certificates and other academic distinctions or titles on persons and for withdrawing or cancellation of any such degrees, diplomas or certificates and other academic distinctions or titles;
- (ix) para (xxxi) of clause 5 empowers to prescribe by Regulations the manner for admission of the students for the courses offered by the University;
- (x) para (xxxiii) of clause 5 empowers to prescribe by Regulations for regulating and enforcing discipline among the students, employees of the University and to provide for such disciplinary measures;

Clause 6.—This clause empowers the State Government to prescribe by rules, the manner in which the sponsoring body shall make an application containing the proposal for establishment of a private University.

Clause 7.— Sub-clause (z) of this clause empowers the State Government to prescribe by rules, such other details which may be necessary to be included in the project report.

Clause 13.-- Sub-clause (e) of this clause empowers the Board of Management to declare by Statutes, such other officers to be the officers of the University.

Clause 14.-- (i) Sub-clause (1) of this clause empowers the Governing Body to prescribe by Statutes, such procedure, terms and conditions on which the sponsoring body shall appoint the President;

(ii) para (d) of sub-clause (4) of this clause empowers the Governing Body to prescribe by Statutes, such other powers of the President.

Clause 15.-- Sub-clause (5) of this clause empowers the Governing Body and Board of Management to prescribe by Statutes or as the case may be, by Ordinance for exercise of such other powers and perform such other functions by the Provost.

Clause 16.-- (i) Sub-clause (1) of this clause empowers the Governing Body to prescribe by Statutes, the manner in which the Chairperson of the Sponsoring Body shall appoint the Registrar;

(ii) sub-clause (4) of this clause empowers the Governing Body to prescribe by Statutes and the Board of Management to prescribe by Ordinances, such other powers and functions of the Registrar.

Clause 17.-- (i) Sub-clause (1) of this clause empowers the Governing Body to prescribe by Statutes, the manner in which the President shall appoint the Chief Finance and Accounts Officer;

(ii) sub-clause (2) of this clause empowers the Governing Body to prescribe by Statutes and the Board of Management to prescribe by Ordinances, such other powers and functions of the Chief Finance and Accounts Officer.

Clause 18.-- Sub-clause (2) of this clause empowers the Governing Body to prescribe by Statutes and the Board of Management to prescribe by Ordinances, the manner of appointment, the powers and the functions of the other officers of the University.

Clause 19.-- Sub-clause (d) of this clause empowers the Board of Management to declare by Statutes, such other authorities to be the authorities of the University.

Clause 20.-- Para (f) of sub-clause (5) of this clause empowers the Governing Body to prescribe by Statutes, such other powers to be exercised by the Governing Body.

Clause 21.-- Sub-clause (3) of this clause empowers the Governing Body to prescribe by the Statutes, such other powers to be exercised and such other functions to be performed by the Board of Management.

Clause 22.-- (i) Sub-clause (1) of this clause empowers the Governing Body to prescribe by Statutes for the other members of the Academic Council;

(ii) sub-clause (4) of this clause empowers the Governing Body to prescribe by Statutes, the quorum at the meetings of the Academic Council.

Clause 25.-- This clause empowers the Governing Body to prescribe by Statutes, the constitution of other committees and their powers and duties;

Clause 26.-- Sub-clause (5) of this clause empowers the State Government to approve and publish the First Statutes of the respective University in the *Official Gazette*.

Clause 27.-- Sub-clause (5) of this clause empowers the State Government to approve and publish the subsequent Statutes of the respective University in the *Official Gazette*.

Clause 28.-- (i) Para (k) of sub-clause (1) of this clause empowers the Board of Management by the First Ordinances, such other matters which are required to be provided by or under the provisions of the Act;

(ii) sub-clause (4) of this clause empowers the State Government to approve and publish the First Ordinances of the respective University in the *Official Gazette*.

Clause 29.-- Sub-clause (3) of this clause empowers the State Government to approve and publish the subsequent Ordinances of the respective University in the *Official Gazette*.

Clause 30.-- This clause empowers the respective authorities of the University to make regulations for the conduct of business of the each such authority and committees constituted by each such authority.

Clause 31.-- Sub-clause (1) of this clause empowers the State Government to prescribe by rules, the manner in which the State Government shall assess the standards of teaching, examination and research or any other matter relating to the University.

Clause 33.-- This clause empowers the Governing Body to prescribe by the First Statutes, the manner in which the convocations for conferring degrees, diplomas or for any other purposes, shall be held in every academic year.

Clause 42.—(i) Sub-clause (1) of this clause empowers the State Government to prescribe by rules, the manner in which the sponsoring body shall give notice to the State Government for dissolution of the University and also the manner in which the State Government shall dissolve the University;

(ii) sub-clause (2) of this clause empowers the State Government to prescribe by rules, the manner in which all the assets and liabilities of the University shall be vested in the sponsoring body;

(iii) sub-clause (3) of this clause empowers the State Government to prescribe by rules, the manner in which the powers of the Governing Body shall be vested in the other societies having similar objects.

Clause 44.— This clause empowers the State Government to make rules, by notification in the *Official Gazette*, generally for carrying out the purposes of the Act and particularly for the matters as specified therein.

Clause 45.- This clause empowers the State Government to prescribe by rules, the manner in which and the period for which the University shall provide for instruction, teaching, training and examination of the student in accordance with the courses of studies of the constituent college or institution of the University affiliated to the respective University specified in the Schedule.

Clause 46.- This clause empowers the State Government by an order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of the Act, to remove any difficulty arising within the three years as appear it to be necessary or expedient for removing the difficulty.

The delegation of the legislative powers, as aforesaid, is necessary and is of a normal character.

Gandhinagar,
Dated the 22nd June, 2009.

RAMANLAL VORA.

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 22nd June, 2009.

H. D. VYAS,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs
Department.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

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THURSDAY, JUNE 25, 2009/ASADHA 4, 1931

Separate paging is given to this Part in order that it may be filed as a Separate Compilation

PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE KAMDHENU UNIVERSITY BILL, 2009.

GUJARAT BILL NO. 12 OF 2009.

A BILL

to establish and incorporate a teaching and affiliating University for the development of Veterinary and Animal Sciences and for furthering the advancement of learning, conducting of research and dissemination of findings of research and other technical information in Veterinary and Animal Sciences including Dairy Science, Fisheries and allied sciences in the State of Gujarat.

It is hereby enacted in the Sixtieth Year of the Republic of India as follows:-

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Kamdhenu University Act, 2009.
- (2) This section shall come into force at once and the remaining provisions shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint; and different dates may be appointed for different provisions and any reference in any such provision to the date of the commencement of this Act shall be construed as the reference to the date of coming into force of that provision.

Short title and
commencement.

Definitions. 2. In this Act, unless the context otherwise requires, -

- (1) "Academic Council" means the Academic Council of the University constituted under section 23;
- (2) "Affiliated College" means a college affiliated to the University under section 46;
- (3) "Agricultural Universities" means the Agricultural Universities constituted under section 3 of the Gujarat Agricultural Universities Act, **Guj. 5 of 2004.** 2004.
- (4) "Authority" means any authority of the University as specified in section 20;
- (5) "Animal" or "Livestock" includes mammals alongwith birds, fish, wildlife and reptiles;
- (6) "Board" means Board of Management of the University constituted under section 21;
- (7) "College" means a College or an Institution established or maintained by or affiliated to the University providing courses of study or training or providing for conduct of research or providing for extension education in veterinary and animal sciences, leading to a degree, diploma or other academic distinction of the University but does not include a College or an Institution established or maintained by or affiliated to or recognised by the Agricultural Universities existing on the date of the coming into force of this Act;
- (8) "Constituent College" means a college of the University under the direct control and management of the Board;
- (9) "Deans" mean the Deans of colleges and Deans of faculties;
- (10) "Director" means the Director of Research, the Director of Extension Education, the Director of Information Technology or, as the case may be, the Director of Students' Welfare appointed under section 19;
- (11) "Extension Education" means the educational activities concerned with the training of animal owners, farmers, dairy industry personnel, poultry entrepreneurs and fishermen for improved animal husbandry practices related to health, production and marketing of livestock and live stock product including the work through meetings, demonstrations and other methods for teaching improved animal husbandry practices and the training of workers required for the conduct of such educational activities;

- (12) "Extension Education Council" means the Veterinary and Animal Sciences Extension Education Council of the University constituted under section 27;
- (13) "Faculty" means the teaching, research and extension staff of a college, research station, extension centre or division of the University, having the rank of Assistant Professor or its equivalent and above;
- (14) "Finance and Accounts Officer" means the Finance and Accounts Officer of the University appointed under section 16;
- (15) "Head of Department" means a teacher principally responsible for imparting education in veterinary and allied sciences or conducting and guiding research in veterinary and allied sciences and conducting and guiding programmes of extension education in a Department;
- (16) "Hostel" means a unit of residence for students of the University maintained or recognized by the University either as a part of or separate from the University;
- (17) "officer" means an officer of the University as specified under section 10;
- (18) "other employee" means employee other than the officer and teacher as defined in this Act;
- (19) "prescribed" means prescribed by Statutes;
- (20) "Recognised Institution" means an Institution of higher learning, research or specialised studies, other than a college, and recognised as such by the University other than the recognised Institution of the Agricultural Universities existing on the date of the coming into force of this Act;
- (21) "registered graduate" means a graduate registered under the provisions of this Act;
- (22) "Registrar" means Registrar of the University appointed under section 14;
- (23) "Regulations" means the regulations of the University made by the Academic Council and other authorities under section 37;
- (24) "Research Council" means the Veterinary and Animal Sciences Research Council of the University constituted under section 25;
- (25) "Research Station" means the research stations as may be established or approved by the University;
- (26) "Statutes" means the statutes made by the Board under section 36;

(27) "student" means the person enrolled in the University for taking a course of study for a degree, diploma or other academic distinction;

(28) "teacher" means a person appointed or recognised as such by the University for the purpose of imparting instructions or conducting and guiding research or extension education programmes, and includes other person not below the rank of Assistant Professor and its equivalent, who may be declared by the Statutes to be a teacher;

(29) "University" means the "Kamdhenu University" established and constituted under section 3;

(30) "Veterinary" means science and art taking care of animal health;

(31) "Veterinary and Allied Science" means the basic and applied veterinary sciences including dairy, poultry, fisheries, wildlife, animal health, animal re-production, production technology, processing technology and management of animal and related resources for the socio-economic upliftment of rural and urban people;

(32) "Veterinary Council of India or Veterinary Council of Gujarat" means the Council incorporated under the Indian Veterinary Council Act, 1984;

52 of 1984.

(33) "Vice-Chancellor" means Vice-Chancellor of the University appointed under section 12.

CHAPTER II UNIVERSITY

**Establishment
and
incorporation
of University.**

3. (1) There shall be established and constituted a University by the name of the "Kamdhenu University".

(2) The Chancellor, the first Vice-Chancellor and the first members of the Board of Management and the Academic Council of the University and all persons, who may hereafter become such officers or members so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of the "Kamdhenu University".

(3) The University shall be a body corporate having perpetual succession and a common seal, and shall sue and be sued in the said name.

(4) The University shall be competent to acquire and hold property, both movable and immovable; to lease, sell or otherwise transfer any movable and immovable property which are vested in or have been acquired by it for the purposes of the University, and to borrow money from the Central Government, State Government or any other sources; and to raise loans on the securities of its assets and to contract and do all other things necessary for the purpose of this Act:

Provided that the power to raise any such loan shall be exercised after obtaining previous permission of the State Government.

4. The headquarters of the University shall be at such place as the State Government may, by notification in the *Official Gazette*, specify. **Headquarters of University.**

5. (1) With respect to teaching at the University or college level, research and extension education programmes in the field of Veterinary and allied sciences, the territorial jurisdiction and privileges of the University shall extend to the entire State of Gujarat. **Jurisdiction.**

(2) The University may assume responsibility for the establishment and maintenance of Veterinary, Animal Husbandry, Dairy, Poultry and Fishery Training or Educational centres and Research and experimental stations, and undertake the programmes of training to field or extension workers through such centres as may be required in various parts of the State.

(3) All colleges, research and experimental stations and other institutions falling under the jurisdiction and authority of the University shall be the constituent units of the University under the management and control of the University.

(4) The jurisdiction of the University shall also extend to the affiliated colleges and recognised institutes.

(5) No educational institution imparting education or conducting and guiding research or conducting and guiding programmes of extension education in Veterinary and allied sciences and situated within the University jurisdiction shall, save with the approval of the University and the sanction of the State Government, be associated in any way with, or seek admission to any of the privileges of any other University established by law.

(6) Notwithstanding anything contained in this Act, all the colleges, institutions, research stations, centres or other units under the control and management of the Agricultural Universities and the colleges, institutions, research stations, centres or other units affiliated to or recognised by the Agricultural Universities shall continue to enjoy the privileges of the respective Agricultural Universities. The Agricultural Universities shall be at liberty to continue and expand their activities in the aforesaid colleges, institutions, research stations, centres and other units so far as they relate to the veterinary and allied sciences within their campus, existing on the date of coming into force of this Act.

6. The objects of the University shall be as follows, namely:- **Objects of University.**

- (a) making provision for imparting education in veterinary and allied sciences;
- (b) furthering the advancement of learning and conducting of research in veterinary and allied sciences;

- (c) undertaking the extension education through appropriate media in veterinary and allied sciences;
- (d) making provision for the study of basic sciences with a view to supporting other professional studies and thereby integrating such studies in the University curriculum;
- (e) undertaking the integration of teaching, research and extension education in veterinary and allied sciences with a view to promoting the productivity of animals and livestock ;
- (f) conferring such degrees, diplomas, certificates and other academic distinctions as the University may deem fit; and
- (g) such other purposes, not inconsistent with the provisions of this Act which the State Government may, on the application by the University, by notification in the *Official Gazette*, specify in this behalf.

University open
to all
irrespective of
sex, religion,
class, creed or
opinion.

7. (1) No person shall be excluded from any office of the University or from membership of any of its authorities, bodies or committees or from admission to any degree, diploma or other academic distinction or course of study on the sole ground of sex, race, creed, caste, class, place of birth, religious belief or political or other opinion.

(2) It shall not be lawful for the University to impose on any person any test whatsoever relating to religious belief, race, creed, caste, sex, place of birth, class and political or other opinion in order to entitle him to be admitted as a teacher or a student of the University or to hold any office or post in the University or to qualify for any degree, diploma or other academic distinction or to enjoy or exercise any privileges of the University or any benefaction thereof.

(3) Subject to the provisions contained in sub-sections (1) and (2), the State Government may direct that the University shall reserve, for members of the Socially and Educationally Backward Classes, Scheduled Castes, Scheduled Tribes or for citizens from other States in India, seats for the purposes of admission as students in any college:

Provided that nothing in this section shall require the University to admit to any course of study, students exceeding a prescribed number or possessing academic or other qualification lower than that prescribed.

Powers and
functions of
University.

8. Subject to the provisions of this Act, the University shall exercise the following powers and shall perform following functions, namely:-

- (1) to provide for education and instructions for undergraduate and post-graduate in veterinary and allied sciences and other branches of learning;

- (2) to provide for conduct of research in veterinary and allied sciences and other branches of learning;
- (3) to provide for dissemination of the findings of research, technology and technical information through extension education programmes;
- (4) to lay down courses of instruction for the various examinations;
- (5) to hold examinations and to confer degrees, diplomas and other academic distinctions on persons who have pursued the approved courses of studies or have done research work in the University or in affiliated colleges or recognised institutions;
- (6) to confer honorary degrees, diplomas and other academic distinctions as may be prescribed;
- (7) to withdraw or cancel any degree, diploma and the academic distinctions conferred or granted by the University in the manner as may be prescribed;
- (8) to provide for lectures, instruction and training to field workers, village leaders and other persons not enrolled as regular students of the University and to grant certificates to them as may be prescribed;
- (9) to collaborate and co-operate with other Universities, and institutions in such manner and for such purposes as the University may determine;
- (10) to establish and maintain colleges, schools, centres, Departments and Institutions relating to veterinary and allied sciences;
- (11) to establish and maintain laboratories, libraries, research stations, institutions and museums for teaching, research and extension education;
- (12) to create posts for teaching, research and extension education, administrative, ministerial and other purposes and to make appointment thereto;
- (13) to institute and award fellowship, scholarships, stipends, medals, prizes and other awards;
- (14) to establish, maintain and manage hostels and residential accommodations for students and staff of the University;
- (15) to fix, demand, receive and recover such fees and other charges, as may be prescribed;
- (16) to co-ordinate, supervise, regulate and control the residence, conduct and discipline of the students of the University, and to make arrangements for promoting their education, health and welfare;

- (17) to make special provision for research and extension education in veterinary and allied sciences in relation to arid areas and areas prone to scarcity in the State of Gujarat;
- (18) to institute and manage bureau of information and of employment for the benefit of students of the University;
- (19) to make arrangement for training for competitive examinations for recruitment to services under the Government of India and the State Governments;
- (20) to associate or admit educational institution with, or to the privileges of the University by way of affiliation, recognition or approval;
- (21) to withdraw or modify either in whole or in part, affiliation, recognition or approval of educational institutions;
- (22) to inspect colleges, recognised institutions and approved institutions and to take measures to ensure that proper standards of instruction, teaching and training are maintained in them and that adequate library and laboratory provisions are made therein;
- (23) to lay down and regulate the scales of salaries and allowances and other conditions of service of the members of the teaching, other academic and non-teaching staff of the University. The scales of salaries and allowances shall be implemented with the approval of the State Government;
- (24) to provide for the recognition of students' Unions or associations of teachers, academic staff or other employees of the University, affiliated colleges and recognised institutions;
- (25) to hold and manage trusts and endowments; and
- (26) to do all such other acts and things incidental to the powers aforesaid as may be required in furtherance of the objects of the University.

**Inspection
and inquiry.**

9. (1) The Chancellor shall have the right to cause an inspection to be made by such person or persons, as he may direct, of the University, affiliated, recognised or approved college or institution, its buildings, laboratories, libraries, museums, workshops and its equipments or hostel maintained, recognised or approved by the University, college or institution, of the teaching and other work conducted by the University or under its auspices and of the conduct of examinations held by the University and to cause an inquiry to be made in respect of any matter connected with the University.

(2) The Chancellor shall in every case, give notice to the University, college and institution of his intention to cause an inspection or inquiry and

the University, college and institution shall be entitled to be represented thereat.

(3) The Chancellor shall communicate his views to the University with reference to the result of such inspection or inquiry, and may after ascertaining the opinion thereon of the University, advise the University upon the action to be taken and fix a time limit for taking such action.

(4) The University shall, within the time limit so fixed alongwith its opinion, submit its report to the Chancellor of such action, if any, it has taken or may propose to be taken on the advice tendered by the Chancellor.

(5) Where the University does not take action to the satisfaction of the Chancellor within the time limit fixed, the Chancellor may, after considering any explanation furnished or representation made by the University; issue such directions as he thinks fit and the University shall comply with such directions.

(6) The State Government may, whenever it deems fit, cause a like inspection or inquiry to be made in the manner prescribed in sub-sections (1) to (4) and shall have, for the purposes of such inspection or inquiry, all the powers of the Chancellor under the said sub-sections.

(7) Notwithstanding anything contained in the above sub-sections, if at any time the Chancellor is of the opinion that in any manner, the affairs of the University are not managed in furtherance of the objects of the University, or in accordance with the provisions of this Act and the regulations or the special measures are desirable to maintain the standards of the University teaching, examination, research or extension education, he may indicate to the University any matter in regard to which he desires an explanation, and call upon the University to offer such explanations, within such time as may be specified by him. When the University fails to offer explanation within the time specified or offers an explanation which in the opinion of the Chancellor is not satisfactory, he may issue such directions as he thinks fit.

(8) The University shall furnish such information relating to the administration and finances of the University as the Chancellor may from time to time require.

CHAPTER III OFFICERS OF UNIVERSITY

10. The following shall be the officers of the University, namely:-

Officers of
University.

- [i] The Chancellor,
- [ii] The Vice-Chancellor,
- [iii] The Deans of Faculties,
- [iv] The Directors,
- [v] The Registrar, and
- [vi] The Finance and Accounts Officer.

Chancellor. 11. (1) The Governor of the State of Gujarat shall by virtue of his office be the Chancellor of the University.

(2) The Chancellor shall be the Head of the University and shall, when present, preside at the convocation of the University.

(3) Every proposal to confer an honorary degree shall be subject to the confirmation of the Chancellor.

(4) The Chancellor shall exercise such other powers and perform such other duties as are conferred on him by or under this Act.

Vice-Chancellor. 12. (1) (a) The Vice-Chancellor shall be a whole-time officer of the University and shall be appointed by the Chancellor in consultation with the State Government from amongst three persons recommended under sub-section (3) by a Committee appointed for the purpose under sub-section (2).

(b) A person, who possesses Master's Degree in any of the veterinary and allied sciences with minimum ten years' experience as educationist or researcher or administrator in the University system and has not attained the age of sixty-five years on the date of appointment, subject to the provisions of sub-section (8), he shall be eligible for appointment as a Vice-Chancellor:

Provided that preference may be given to a person who possesses Doctorate qualifications in any of the veterinary and allied sciences with minimum ten years' experience as educationist or researcher or administrator in the University system.

(2) (a) For the purposes of sub-section (1), the Chancellor shall form a Committee consisting of three members to be nominated by the State Government from the field of Veterinary and allied sciences.

(b) The Chancellor shall appoint one of the three members of the Committee as its Chairperson.

(3) The Committee so appointed shall, within such time and in such manner as may be prescribed by the Statutes, select three persons who possess the qualifications mentioned in clause (b) of sub-section (1) whom it considers fit for being appointed as Vice-Chancellor and recommend to the Chancellor, the names of the persons so selected, together with such other particulars as may be prescribed by the Statutes.

(4) The Vice-Chancellor shall hold office for a term of five years from the date he enters upon his office and be eligible for reappointment to that office for one additional term of five years or until he attains the age of 65 years, whichever is earlier.

(5) The emoluments and other terms and conditions of service of the Vice-Chancellor, shall be such as may be prescribed and shall not be varied to his disadvantage after his appointment, without his consent.

(6) (a) The Vice-Chancellor may, by writing under his hand addressed to the Chancellor, resign his office and such resignation shall take effect from the date of acceptance by the Chancellor.

(b) The resignation shall be delivered ordinarily at least thirty days prior to the date on which the Vice-Chancellor wishes to be relieved from his office:

Provided that the Chancellor may relieve him earlier and the resignation shall take effect from the date of acceptance by the Chancellor.

(7) (a) During the leave or absence of the Vice-Chancellor, or

(b) in the event of a permanent vacancy in the office of the Vice-Chancellor, until an appointment is made under sub-section (1) to that office,

one of the University Officers preferably senior most officer having qualification in Veterinary and allied Sciences, nominated by the Chancellor for that purpose shall carry on the current duties of the office of the Vice-Chancellor.

(8) A person shall be disqualified for being appointed as, or for being, a Vice-Chancellor -

(i) if he is a Member of the Parliament or of any State Legislature or of any local authority, or

(ii) if he is a member of a political party, or

(iii) if he is or any time has been adjudged an insolvent or he has suspended payment of his debts or has compounded with his creditors, or

(iv) if he is of unsound mind or stands so declared by a competent court, or

(v) if he is or has been convicted of an offence, which in the opinion of the Chancellor, involves moral turpitude.

(9) Notwithstanding anything contained in sub-section (4), the Chancellor may at any time remove the Vice-Chancellor from office if, in his opinion, the Vice-Chancellor -

(a) is, or has been subject to any of the disqualifications mentioned in sub-section (8), or

- (b) has been guilty of misconduct in discharge of his duties, or
- (c) has become physically or mentally incapable of discharging his duties as a Vice-Chancellor, or
- (d) has abused his position as to render his continuance in office prejudicial to public interest, or
- (e) has, without reasonable cause, refused or failed to perform his duties for a period of not less than three months :

Provided that a Vice-Chancellor shall not be removed from his office unless an opportunity of being heard is given to him.

**Powers and
duties of
Vice-
Chancellor.**

13. (1) The Vice-Chancellor shall be the principal executive and academic officer of the University and *ex-officio* Chairman of the Board, Academic Council and other authorities. He shall in the absence of the Chancellor preside at any convocation of the University. He shall be entitled to be present with the right to speak at any meeting of any other authority or body of the University, but shall not be entitled to vote thereat unless he is a member of that authority or body.

(2) The Vice-Chancellor shall exercise general control over the affairs of the University and shall be responsible for the maintenance of discipline in the University.

(3) The Vice-Chancellor shall have power to convene meetings of the Board and Academic Council.

(4) The Vice-Chancellor shall ensure the faithful observance of the provisions of the Act and the Statutes and Regulations and he shall possess all powers necessary for this purpose.

(5) The Vice-Chancellor shall be responsible for the presentation of the annual financial estimates and the annual accounts and balance sheet of the University to the Board.

(6) (a) In any emergency which, in the opinion of the Vice-Chancellor, requires that immediate action should be taken, he shall take such action as he deems necessary and shall at the earliest opportunity thereafter report his action to such officer, authority or body as would have in ordinary course dealt with the matter. If the officers, authority or, as the case may, body, disagrees with the action of the Vice-Chancellor, the matter shall be referred to the Chancellor whose decision thereon shall be final.

(b) When action taken by the Vice-Chancellor under this sub-section affects any person in the service of the University, such person shall

be entitled to prefer an appeal to the Board within one month from the date on which such action is communicated to him.

(c) If the Vice-Chancellor is satisfied that a decision of the Board is not in the best interest of the University, he shall refer it to the Chancellor whose decision thereon shall be final.

(7) The Vice-Chancellor shall give effect to the decisions or orders of the Board regarding the appointment, dismissal, suspension and punishment of officers, teachers and other employees of the University.

(8) (a) Subject to the provisions contained in sub-section (6) and notwithstanding anything contained in sub-section (7), where the Vice-Chancellor, after making such inquiry as may be deemed fit, is of opinion that the execution of any order or resolution of an authority specified in or declared under section 20 or any action initiated or contemplated which is about to be done or is being done by or on behalf of the University,-

- (i) is inconsistent with the provisions of this Act or of any Statutes, or Regulations, or
- (ii) is not in the interest of the University, or
- (iii) is likely to lead to breach of peace,

he may forward a copy of the order or resolution or, as the case may be, refer the doing of the thing with a statement of reasons, to the authority which made the order or passed the resolution or proposes to do the thing for reconsideration by that authority as to whether the said order or resolution may not be rescinded, or revised or modified in the manner stated by him or the any action initiated or contemplated or the doing of the thing be refrained from.

(b) Where the authority, after reconsideration revises or modifies the order or the resolution in the manner stated by the Vice-Chancellor, then notwithstanding anything contained in clause (e), such revised or modified order or resolution shall revive from the date of such revision or modification.

(c) Where the authority revises or modifies the order or resolution in such manner as is inconsistent with the manner stated by the Vice-Chancellor, the Vice-Chancellor shall refer the matter to the Chancellor for his decision.

(d) The Chancellor may, on such reference being made, revise or modify the order or resolution or direct that the order or resolution shall continue to be in force with or without modification permanently or for such period as it may specify:

Provided that the order or resolution shall not be revised or modified or continued by the Chancellor without giving the concerned authority a reasonable opportunity of showing the cause against the order proposed to be made by him.

(e) The order, resolution or, as the case may be, the doing of thing, any action initiated or contemplated shall remain in abeyance from the date of the action of the Vice-Chancellor of forwarding the copy of order or resolution or of making reference under clause (a) till the date of the order of the Chancellor under clause (d).

(9) The Vice-Chancellor shall be responsible for the proper administration of the affairs of the University and for a close co-ordination and integration of teaching, research and extension education.

(10) The Vice-Chancellor shall exercise such other powers and perform such other duties as may be prescribed for carrying out the purposes and provisions of this Act and the Statutes.

Registrar. 14. (1) The Registrar shall be the whole time salaried officer of the University and shall be appointed by the Vice-Chancellor with the previous approval of the Board and his qualifications, emoluments and the terms and conditions of service shall be such as may be prescribed. He shall be an academician in the field of Veterinary and allied Sciences.

(2) The Registrar shall be the *ex-officio* Secretary to the Board and the Academic Council.

Powers and functions of Registrar. 15. (1) The powers, functions and duties of the Registrar shall be, -

(a) to manage the property and investments of the University including trust and endowed property in accordance with the decision of the Finance Committee and the Board;

(b) to act as the chief custodian of the records, the common seal and such other properties of the University as the Board shall commit to his charge;

(c) to deal with establishment matters and general administration in the University;

(d) to invite and receive applications for admission to the University and admit the students;

(e) to maintain permanent records of all courses, curriculum and the academic performance of students of the University including the courses taken, grades obtained, degrees, diplomas, awarded, prizes or other distinctions earned and any other items pertinent to the academic performance and the discipline of the students, and other information as may be necessary;

(f) to make arrangement for the conduct of examinations including the appointment of examiners and for the due execution of all processes connected therewith;

(g) to act as the principal liaison officer of the University with the State Government, Central Government, Indian Veterinary Council, Indian Council of Agricultural Research, other Universities and other bodies;

(h) in all suits and other legal proceedings by or against the University, the pleadings shall be signed and verified by the Registrar and all processes in such suits and proceedings shall be issued to, and served on, the Registrar; and

(i) the Registrar shall exercise such powers and perform such other functions and discharge such other duties as may be prescribed or assigned to him by the Board and the Vice-Chancellor.

(2) When the office of the Registrar is vacant, or when the Registrar is, by reason of illness, absence or any other reason, unable to exercise the powers, perform the functions and discharge the duties of his office, the powers, functions and duties of the office of the Registrar shall be exercised, performed and discharged by such person as the Vice-Chancellor may appoint.

16. (1) The Finance and Accounts Officer shall be a whole-time salaried officer of the University and shall be appointed by the Board from out of a panel of three names recommended by the State Government.

Finance and
Accounts
Officer.

(2) Subject to such terms and conditions as may be determined by the Board, the Finance and Accounts Officer shall hold office for a period of five years or until he attains the age of superannuation fixed for State Government employee, whichever is earlier.

(3) The emoluments and other terms and conditions of service of the Finance and Accounts Officer shall be such as may be prescribed.

(4) The Finance and Accounts Officer shall be the *ex-officio* Secretary to the Finance Committee.

17. (1) The Finance and Accounts Officer shall,-

Powers and
functions of
Finance and
Accounts
Officer.

(a) exercise general supervision and management over the funds and investment of the University and shall advise the University as regards its financial policy; and

(b) exercise such other powers and perform such other financial functions, as may be assigned to him by the Board, or as may be prescribed :

Provided that the Finance and Accounts Officer shall not incur any expenditure or make any investment exceeding such amount as may be prescribed except with the previous approval of the Board.

(2) Subject to the control of the Board, the Finance and Accounts Officer shall:-

(a) endeavour to ensure that the recurring and non-recurring expenditure are made as authorized in the Budget or as per the limits fixed by the Board for a year and ensure that all moneys are expended for the purposes for which they are granted or allotted;

(b) be responsible for the preparation of annual accounts, financial estimates and the budget of the University and for their presentation to the Finance Committee and the Board;

(c) keep a constant watch on the cash and bank balances and of investments;

(d) watch the progress of the collection of revenue and advise on the methods of collection employed;

(e) ensure that the registers of buildings, land, furniture and equipments are maintained up-to-date, and that stock checking is conducted in respect of equipments and other consumable materials in all offices, laboratories, colleges and institutions maintained by the University;

(f) bring to the notice of the Vice-Chancellor any unauthorized expenditure or other financial irregularity and suggest appropriate action to be taken against persons at fault; and

(g) call from any office, laboratory, college or institution maintained by the University, any information or returns as he may consider necessary for the exercise of his powers, performance of his functions or discharge of his duties.

(3) When the office of the Finance and Accounts Officer is vacant, or when the Finance and Accounts Officer is, by reason of illness or absence for any other cause unable to exercise the powers, perform the functions and discharge the duties of his office, the powers, functions and duties of the office of the Finance and Accounts Officer shall be exercised, performed and discharged by such person as the Vice-Chancellor may appoint for the purpose.

**Deans of
Faculties.**

18. (1) There shall be a Dean for each faculty of the University and shall be appointed in such manner as may be prescribed.

(2) (a) The Dean shall be responsible to the Vice-Chancellor for the due observance of Statutes and Regulations relating to that Faculty.

(b) For the organization and conduct of the teaching and in carrying out his responsibilities for the organization and conduct of these functions, he shall work in close liaison with other officers and shall generally work through the Heads of Departments of the faculties.

(3) The Dean shall exercise such powers and perform such duties as may be prescribed and necessary for the proper functioning of the work of their respective faculties as assigned by the Vice-Chancellor.

19. (1) The Director of Research, the Director of Extension Education, the Director of Information Technology and the Director of Students' Welfare shall be the whole-time salaried officers of the University appointed by the Vice-Chancellor with the approval of the Board in accordance with the Statutes made in this behalf. **Directors.**

(2) The qualifications, emoluments and terms and conditions of service of the Directors shall be such as may be prescribed.

(3) The Director of Research, the Director of Extension Education, the Director of Information Technology and the Director of Students' Welfare shall exercise such powers and perform such duties as may be prescribed.

CHAPTER IV AUTHORITIES OF UNIVERSITY

20. The following shall be the Authorities of the University, namely:- **Authorities of University.**

- (1) The Board of Management;
- (2) The Academic Council;
- (3) The Veterinary and Animal Sciences Research Council;
- (4) The Veterinary and Animal Sciences Extension Education Council;
- (5) The Faculties;
- (6) The Board of Studies;
- (7) The Planning Board; and
- (8) The Finance Committee.

21. (1) The Chancellor shall, as soon as may be after the first Vice-Chancellor is appointed, take action to constitute the Board of Management. **Board of Management.**

(2) The Board of Management shall consist of following, namely:-

Class I- *Ex-Officio* Members

- (i) the Vice-Chancellor, Chairman;
- (ii) the Secretary to Government, in-charge of Animal Husbandry or his representative not below the rank of the Deputy Secretary to Government;
- (iii) the Secretary to Government, Finance Department or his representative not below the rank of the Deputy Secretary to Government;

- (iv) the Secretary to Government, Education Department (Technical) or his representative not below the rank of the Deputy Secretary to Government;
- (v) the Director of Animal Husbandry, Gujarat State;
- (vi) the Commissioner of Fisheries, Gujarat State;
- (vii) one representative of Veterinary Council of India, New Delhi;
- (viii) the President, Gujarat Veterinary Council; and
- (ix) the Registrar, *ex-officio* Secretary.

Class II - Other Members

- (x) one progressive Livestock Owner;
- (xi) one poultry entrepreneur;
- (xii) one representative of dairy industry;
- (xiii) one representative of Pharmaceutical or Vaccine Institute;
- (xiv) one eminent Educationist; and
- (xv) two eminent Scientists from the field of Veterinary and allied Sciences.

(3) The term of the members under clauses (x) to (xv) shall be of three years and they shall be nominated by the State Government.

(4) The nominated members of the Board shall not be entitled to receive any remuneration from the University except such daily and traveling allowances as may be prescribed.

(5) The Board for the purpose of consultation may invite any person having experience or special knowledge on any subject under consideration at the meeting to attend its meeting. Such person may speak or otherwise take part in the proceedings of such meeting but shall not be entitled to vote at such meeting. Any person invited shall be entitled to such allowances for attending the meeting as may be prescribed.

(6) The Board shall meet at such times and places as fixed by the Vice-Chancellor and shall hold regular meetings as far as possible once in every three months:

Provided that Vice-Chancellor may, at his discretion, convene a special meeting of the Board;

(7) One-third of the total number of the members of the Board shall constitute a quorum for the transaction of its business at the meeting.

(8) The Board shall conduct the meeting and transact its business in such manner as may be prescribed.

Powers and functions of Board.

22. (1) Subject to the provisions of this Act, the Board shall be the chief executive body of the University and shall manage and supervise the properties and activities of the University and shall be responsible for the

conduct of all administrative affairs of the University not otherwise provided for in this Act.

(2) Without prejudice to the generality of the foregoing powers, the Board shall exercise and perform the powers and functions as follows, namely:-

(i) to accept, acquire, hold, control and administer and dispose of property on behalf of the University;

(ii) to make provisions for buildings, premises, furniture, apparatus and other means needed for carrying on the work of the University;

(iii) to consider and review the financial requirements and estimates for the University and approve its budget ;

(iv) to provide for the administration of any funds placed at the disposal of the University for the purposes intended;

(v) to arrange for the investment and withdrawal of funds of the University;

(vi) to manage and regulate the finances, accounts and investments of the University ;

(vii) to borrow money subject to prior permission of the State Government and to make suitable arrangements for its repayment;

(viii) to approve the annual accounts and the annual financial estimates of the University;

(ix) to determine the form of, to provide for custody of, and to regulate the use of, the common seal of the University ;

(x) to appoint such committees, either standing or temporary, as the Board may consider necessary, and specify the terms of reference thereof subject to the provisions of the Act and the Statutes ;

(xi) to determine and regulate all policies related to the University in accordance with this Act and the Statutes ;

(xii) to approve the recommendations for appointment of officers, teachers and other employees of the University;

(xiii) to make provisions for instruction, teaching and training in such branches of learning and courses of study as may be determined by the Academic Council in Veterinary and allied sciences and for research and for the advancement and dissemination of knowledge;

(xiv) to promote post-graduate teaching, research and extension education;

(xv) to establish, manage and maintain colleges, departments, institutes of research, hostels, libraries, laboratories, experimental farms, and provide for such other facilities necessary for carrying out the purposes of this Act ;

(xvi) to affiliate colleges or recognise institutions of research in Veterinary and allied sciences or extension education as may be provided by Statutes;

(xvii) to arrange for, and to direct, the inspection of affiliated colleges, recognised institutions and hostels, to issue instructions for maintaining their efficiency and for ensuring proper conditions of employment;

(xviii) (a) to withdraw, either in whole or in part, or to modify the rights conferred on a college by affiliation or on an institution by recognition ; and

(b) to recommend to the State Government withdrawal or reduction of a grant of a college which makes default in carrying out the conditions of affiliation;

(xix) (a) to control and co-ordinate the activities of affiliated colleges and recognised institutions; and

(b) to regulate the fees to be paid by the students in affiliated colleges and recognised institutions;

(xx) to call for reports, returns and other information from affiliated colleges, recognised institutions or hostels;

(xxi) to recognise a member of the staff of an affiliated college or recognised institution as a professor, associate professor, assistant professor or teacher of the University and to withdraw such recognition;

(xxii) to lay down and regulate the pay scales, allowances and conditions of service of officers, members of the teaching, other academic and non-teaching staff of the University;

(xxiii) to lay down and regulate the pay scales, allowances and conditions of service of the members of teaching, other academic and non-teaching staff of affiliated colleges, constituent colleges and recognised institutions;

(xxiv) to supervise and control the residence, conduct and discipline of the students of affiliated colleges, constituent colleges and recognised institutions and to make arrangements for promoting their health and general welfare and to take disciplinary action against the students;

(xxv) to make provision for instituting and conferring degrees, diplomas, and other academic distinctions ;

(xxvi) to provide for the institution, maintenance, and award of fellowship and scholarships, studentships, medals and prizes and other awards ;

(xxvii) to accept on behalf of the University trusts, bequests, donations and transfers of any moveable or immovable property to the University;

(xxviii) to enter into, vary, carry out and cancel contract on behalf of the University in the exercise of performance of the powers and discharge duties assigned to it by or under this Act or Statutes;

(xxix) to make provisions relating to the use of Gujarati, Hindi, English as the medium of instruction and examination ;

(xxx) to consider and approve the recommendations of the Academic Council, Research Council and Extension Education Council;

(xxxi) to make, amend or repeal the statutes; and

(xxxii) to exercise such other powers and perform such other functions as may be conferred or imposed on it by or under this Act.

(3) The powers and functions under clauses (xiii), (xvi), (xvii), (xviii), (xxi), (xxv) and (xxvi) of sub-section (2) shall not be exercised or performed by the Board except upon the recommendation made by the Academic Council.

(4) The exercise of the powers by the Board under clauses (xxii) and (xxiii) of sub-section (2) in so far as they relate to the laying down and regulating pay scales and allowances of officers, members of the teaching, other academic and non-teaching staff of the University, constituent college, affiliated college and recognised institution shall be subject to the approval of the State Government.

23. (1) The Academic Council shall consist of the following members, **Academ**
namely:- **Council.**

- (i) The Vice-Chancellor, *Ex-Officio* Chairman;
- (ii) The Director of Animal Husbandry, Gujarat State or his representative not below the rank of Joint Director;
- (iii) The President, Gujarat Veterinary Council or its representative of Academic Committee of Council;
- (iv) The Deans of Faculties;
- (v) The Deans of Colleges;
- (vi) The Directors;
- (vii) The Librarian;
- (viii) The Registrar as Member Secretary; and
- (ix) Four members from amongst the Heads of Departments, of which two members from the Faculty of Veterinary Science and one each from the Faculty of Dairy and Fishery, to be nominated by the Vice-Chancellor, by rotation, in the manner as may be prescribed.

(2) As soon as the Academic Council is constituted under sub-section (1), it may co-opt as members not more than three persons for such periods and in such manner as may be prescribed so as to secure adequate representation of different sectors of Veterinary and allied sciences.

(3) The members of the Academic Council other than the *ex-officio* members and members referred in sub-section (2) shall hold office for a term of two years.

(4) The Academic Council shall conduct the meeting and transact its business in such manner as may be prescribed.

**Powers and
functions of
Academic Council.**

24. (1) The Academic Council shall, have general control on teaching, examination and other educational programmes within the University, and shall be responsible for the maintenance of standards thereof.

(2) In particular and without prejudice to the generality of the foregoing power, the Academic Council shall exercise the powers and perform the functions as follows, namely :—

- (i) to advise the Board on all academic matters including the control and management of libraries;
- (ii) to make recommendations for the institution of professorships or any other post of teaching including posts in research and extension education and in regard to the duties thereof;
- (iii) to formulate, modify or revise schemes for the constitution or reconstitution of departments of teaching, research and extension education;
- (iv) to make regulations regarding the admission of students to the University and to determine the number of students to be admitted;
- (v) to arrange for co-ordination of studies and teaching in affiliated colleges and recognised institutions;
- (vi) to approve regulations related to the courses or study leading to degrees, diplomas, certificates and other academic distinctions in the University or in affiliated colleges and in recognised institutions;
- (vii) to recommend to the Board the affiliation of a college and recognition of an institution;
- (viii) to make regulations relating to the conduct of examinations and to maintain and promote their standards;
- (ix) to make recommendations regarding post-graduate teaching, research and extension education;
- (x) to make recommendations regarding the qualifications to be prescribed for teaching, research and extension education staff in the University;
- (xi) to make regulations to determine curriculum;
- (xii) to make regulations relating to academic matters subject to the provisions of this Act and the Statutes;
- (xiii) generally to advise the Board on all academic matters; and

- (xiv) to exercise such other powers and perform such other duties as may be conferred or imposed on it by or under the provisions of this Act.

25. (1) There shall be a Veterinary and Animal Sciences Research Council consisting of the following members, namely:-

**Veterinary and
Animal Sciences
Research
Council.**

- (i) the Vice-Chancellor, *Ex-Officio* Chairman;
- (ii) the Director of Animal Husbandry, Gujarat State or his representative not below the rank of Joint Director, *ex-officio*;
- (iii) the Commissioner of Fisheries, Gujarat State or his representative not below the rank of Joint Commissioner, *ex-officio*;
- (iv) the Directors, *ex-officio*;
- (v) the Deans of Faculties, *ex-officio*;
- (vi) the Deans of the Colleges, *ex-officio*;
- (vii) one Head of Department from each college to be nominated by the Vice-Chancellor, by rotation, in the manner as may be prescribed;
- (viii) four members from amongst the Research Scientists, of whom two members from the Faculty of Veterinary Science and one each from the Faculty of Dairy and Fisheries, to be nominated by the Vice-Chancellor, on rotational basis;
- (ix) one eminent Scientist in the field of Veterinary and allied sciences from outside the University to be nominated by the Vice-Chancellor; and
- (x) the Director of Research shall be the Member Secretary, *ex-officio*.

(2) The term of members other than the *ex-officio* members shall be of two years.

(3) The Council shall conduct its meetings and transact the business in such manner as may be prescribed.

26. The Veterinary and Animal Sciences Research Council shall consider and make recommendations in respect of, -

**Functions of
Veterinary and
Animal Sciences
Research
Council.**

- (a) research programmes and projects undertaken or to be undertaken by the University units in the State in the field of Veterinary Science and Animal Husbandry and other allied Sciences with a view to promoting effective co-ordination;
- (b) physical, fiscal and administrative facilities required for implementing research projects;
- (c) orienting research to meet farmers' needs ;
- (d) integration of research, extension education and teaching and participation of research workers in teaching and extension education programmes; and

- (e) any other matter pertaining to research programmes which may be referred to by the Vice-Chancellor or the Board or any other authority of the University.

Veterinary and Animal Sciences Extension Education Council. 27. (1) There shall be a Veterinary and Animal Sciences Extension Education Council consisting of the following members, namely:-

- (i) the Vice-Chancellor, *Ex-Officio* Chairman;
- (ii) the Director of Animal Husbandry, Gujarat State or his representative not below the rank of the Joint Director, *ex-officio*;
- (iii) the Commissioner of Fisheries, Gujarat State or his representative not below the rank of the Joint Commissioner, *ex-officio*;
- (iv) the Directors;
- (v) the Deans of Faculties;
- (vi) the Deans of Colleges;
- (vii) one Head of Department from each college to be nominated by the Vice-Chancellor, by rotation, in the manner as may be prescribed;
- (viii) one eminent person in the field of Extension Education from outside the University to be nominated by the Vice-Chancellor; and
- (ix) two progressive farmers having experience in animal husbandry practices, to be nominated by the Vice-Chancellor.
- (x) the Director of Extension Education as Member Secretary, *ex-officio*.

(2) The term of members of the Veterinary and Animal Science Extension Education Council other than the *ex-officio* members shall be of two years.

(3) The Veterinary and Animal Sciences Extension Education Council shall conduct its meetings and transact the business in such manner as may be prescribed.

Functions of Veterinary and Animal Sciences Extension Education Council. 28. The Veterinary and Animal Sciences Extension Education Council shall consider and make recommendations in respect of, -

- (a) the extension education programmes and projects of the University;
- (b) co-ordination of extension education activities for improvement of animal husbandry and allied branches and for the development of rural communities;
- (c) development of farmers' education and training and advisory services, identification and resolution of field problems and transmission of information;
- (d) methodology of extension education;

- (e) integration of extension education with teaching and research in the University and participation of teachers and research workers in extension education programmes; and
- (f) any other matter referred to it by the Vice-Chancellor, Board or any other authority of the University.

29. (1) The University shall have the faculties of Veterinary and Animal Science, Dairy, Fisheries and such other faculties as may be prescribed. **Faculties.**

(2) The faculties shall comprise of such departments, divisions and centres as may be prescribed. One department or centre may be established for more than one faculty.

(3) The constitution, powers and functions of the faculties shall be such as may be prescribed.

30. (1) There shall be a Board of Studies for every subject or group of subjects as may be prescribed. **Board of Studies.**

(2) The constitution, powers and functions of the Board of Studies shall be such as may be prescribed.

31. (1) There shall be constituted a Planning Board of the University which shall advise generally on the planning and development of the University. **Planning Board.**

(2) The Planning Board shall consist of the following members, namely:-

- (i) the Vice-Chancellor, *ex-officio* Chairman;
- (ii) officers of University as specified in clauses (iii) to (vi) of section 10; and
- (iii) not more than five persons who possess high academic qualifications and experience in the respective field of planning nominated by the Planning Board.

(3) The term of office of the nominated members of the Planning Board shall be of two years.

(4) The Planning Board, in addition to all other powers vested in it by this Act, shall advise the Board of Management on policy matters and the Academic Council on any academic matters.

32. (1) The Finance Committee shall consist of the following members, namely:- **Finance Committee.**

- (i) the Vice-Chancellor, *Ex-Officio* Chairman;
- (ii) the Secretary to Government, Finance Department or his representative not below the rank of the Deputy Secretary;
- (iii) the Secretary to Government, Agriculture and Co-operative Department, in-charge of Animal Husbandry, or his representative not below the rank of the Deputy Secretary;

- (iv) the Registrar;
- (v) the Finance and Accounts Officer shall be the Member-Secretary of the Committee; and
- (vi) one member to be nominated by the Vice-Chancellor from amongst the non-official members of the Board of Management.

(2) The Finance Committee shall exercise the following powers and perform the following functions, namely:-

- (a) to examine the annual accounts of the University and to advise the Board thereon;
- (b) to examine the annual budget estimates ;
- (c) to make recommendations to the University on all proposals involving expenditure for which no provision has been made in the budget or which involves expenditure in excess of the amount provided in the budget ;
- (d) to review the position of financial resources, of the University from time to time;
- (e) generally to advise the Board on all financial matters;
- (f) to make recommendation to the Board on all matters relating to finances of the University;
- (g) to recommend economy in administrative expenses;
- (h) to perform such other functions relating to accounts and audit of the revenue and expenditure of the University as may be assigned to it by the Board of Management; and
- (i) to advise the Board of Management in financial matters whenever such advice is sought by the Board of Management.

CHAPTER V RESIDENT INSTRUCTION, RESEARCH AND EXTENTION EDUCATION

**Resident
Instruction.**

33. The Resident instruction in the University shall include Bachelor's degree, Master's degree and Doctorate degree programmes and short-term diploma and certificate courses in the disciplines of Veterinary and Animal Science, Dairy, Fisheries and other allied sciences as may be prescribed.

Research.

34. (1) The University shall carry on strategic, basic and applied research in Veterinary, Animal Husbandry, Dairy, Fisheries and allied sciences.

(2) The University through its Research Council shall be the principal agency for research activities in Veterinary, Animal Husbandry, Dairy, Fisheries and allied Sciences within its jurisdiction.

(3) The University with the concurrence of the State Government may establish regional or the zonal research stations and sub-stations in different zones within its territorial jurisdiction for the conduct of research including operational research.

35. (1) The Extension programmes shall be established in the University and shall ensure technology assessment and refinement and facilitate adoption of technology based on research findings to farmers and others for accelerated growth in animal husbandry and allied fields. It shall conduct demonstrations and training programmes for the benefit of various stakeholders. Extension shall be co-ordinated with various units of the University and other appropriate agencies of the Central Government and the State Government.

Extension
Education.

(2) The University shall be responsible for developing extension models in veterinary and allied sciences.

CHAPTER VI STATUTES AND REGULATIONS

36. (1) Subject to the provisions of this Act, the Statutes shall be made by the Board.

Statutes.

(2) The Statutes may provide for all or any of the following matters, namely :-

- (i) the constitution, powers and duties of the authorities of the University;
- (ii) the conditions of service of the Vice-Chancellor;
- (iii) the powers, functions, duties, qualifications, manner of appointment and conditions of service of the officers of the University other than the Chancellor and Vice-Chancellor;
- (iv) the functions, duties, qualifications, manner of appointment and conditions of service of the teachers;
- (v) the functions, duties, qualifications, manner of appointment and conditions of service of the other employees;
- (vi) the delegation of financial, administrative and other powers;
- (vii) holding of convocation for conferring degrees;
- (viii) the conferment and withdrawal of honorary degrees and academic distinctions ;
- (ix) the establishment, amalgamation, sub-division and abolition of faculties ;
- (x) the establishment of departments in the faculties;
- (xi) acceptance and management of trusts, bequests, donations, etc.;
- (xii) the acceptance of endowment for scholarships, fellowships, prizes, medals and other awards of academic nature;
- (xiii) the registrations of graduates and maintenance of the records of their academic performance;
- (xiv) instruction, teaching and examinations of the students;
- (xv) establishment of colleges, research stations, extension centres, hostels, libraries etc.;

- (xvi) the procedure of meeting of the University Authorities and committees and the conduct of their business ;
- (xvii) the manner and the terms and conditions governing the pension, provident and insurance funds for the benefit of officers, teachers and other employees of the University; and
- (xviii) any matter which is to be or may be prescribed by Statutes under this Act.

(3) Where a Statute affects the powers or duties of any officer or authority of the University, the Board shall, before passing such Statute, ascertain and consider the views of the officer or the authority concerned and take the same into consideration.

(4) Every Statute passed by the Board shall be submitted to the Chancellor who may give or withhold his assent thereto or refer it back to the Board for consideration.

(5) No Statute passed by the Board shall be valid until it is assented to by the Chancellor.

Regulations. 37. (1) The authorities of the University specified in clauses (2), (5) and (6) of section 20 may make Regulations consistent with this Act and the Statutes, for all or any of the following matters, namely :—

- (a) laying down the procedure to be observed at their meetings and the conduct of their business;
- (b) providing for the matter which by this Act or the Statutes have to be provided by regulations; and
- (c) providing for all matters solely concerning such authorities or for matters for which provisions are, in the opinion of such authorities necessary for the exercise of their powers and performance of their duties under this Act or the Statutes.

(2) A regulation made by an authority shall have effect from such date, as the authority making the regulation may direct.

(3) The Academic Council may, subject to the provisions of the Statutes, make regulations providing for courses of study, system of examinations and degrees and diplomas of the University, after receiving drafts of the same from the Faculty concerned.

(4) (a) On receipt of the draft from the Faculty under sub-section (3), the Academic Council may approve such draft and pass the regulations or either reject the draft or return it to the Faculty for reconsideration either in whole or in part together, with the suggestions of the Academic Council. The Academic Council shall be the final authority for the approval of such draft of regulations.

(b) After any draft so returned has been further considered by the Faculty together with any amendment suggested by the Academic Council, it shall be again presented to the Academic

Council with the report of the Faculty thereon and the Academic Council may then deal with the draft in any manner as it thinks fit.

(5) The Board of Management may direct to carry out the amendments, in such manner as it may specify, of any regulation made by any authority under this section :

Provided that any such amendment shall not effect the validity of anything previously done or omitted to be done under that regulation.

(6) A regulation which involves expenditure from the University fund shall not be effective until it is approved by the Board of Management.

CHAPTER VII FUNDS AND ACCOUNTS

38. (1) The University shall establish a fund to be called the University Fund. University Fund.

(2) The following shall form part of, or be paid into the University Fund, namely:-

- (a) any contribution or grant by Government or Veterinary Council of India or Indian Council of Agricultural Research or any other agency;
- (b) the income of the University from all sources including income from fees and charges and sale of farm products;
- (c) receipts, bequest, donations endowments and other grants, etc., received by the University; and
- (d) any sum borrowed from the Banks with the previous permission of the State Government.

(3) The University Fund shall be kept in the State Bank of India, or in any Scheduled Bank as defined in the Reserve Bank of India Act, 1934, or be, invested in securities authorised by the Trusts Act, 1882, or the Bombay Public Trusts Act, 1950.

II of 1934.
II of 1882.
Bom. XXIX of 1950.

39. (1) The University shall establish a fund to be called the Foundation fund of University from contributions and grants made by the Government for being credited to that fund and such other sums from the University which may be credited to the said Fund in accordance with the Statutes. Foundation Fund of University.

(2) The moneys in the Foundation Fund shall be invested in the Securities authorised by the Trusts Act, 1882 or the Bombay Public Trusts Act, 1950.

II of 1882.
Bom. XXIX of 1950.

(3) The funds and all moneys of the University shall be managed in such manner as may be prescribed.

Other Funds. 40. The University may have such other funds as may be prescribed by the Statutes.

**Pension,
Provident
Funds, etc.**

41. (1) The University shall make adequate provisions to constitute for the benefit of its officers, teachers and other employees in such manner and subject to such conditions as may be prescribed, pension, provident and insurance funds as it may deem fit.

(2) The State Government may declare that the provisions of the Provident Funds Act, 1925 shall apply to the fund constituted under sub-section (1) as if they were Government provident fund.

XIX of 1925.

**Provident
Fund to be
deposited in
Government
treasury.**

42. (1) Where the University has established a provident fund under section 41, such fund shall, notwithstanding anything contained in any law for the time being in force, be deposited in the State Government treasury in accordance with such directions as the State Government may, from time to time, by an order in writing give, and thereupon —

(i) the subscriber to the fund shall be entitled to interest on the balance in his provident fund account at the same rate at which the servant of the State Government is for the time being entitled to on the balance in his provident fund account; and

(ii) the rules for the time being in force relating to the limits of withdrawals from the provident fund as applicable to such Government servant shall, so far as may be, apply to the subscriber.

(2) Nothing in this section shall apply to a provident fund established by the University to which the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 applies.

XIX of 1952.

Grants. 43. The State Government may, in each year after due appropriation made by the State Legislature by law in this behalf, make provision for making grants to the University, as follows:-

- (a) a grant of an amount not less than the estimated net expenditure on pay and allowances of the staff, contingencies and services of the University;
- (b) a grant to meet such additional items of expenditure, recurring and non-recurring as the State Government may deem necessary for the proper functioning of the University.

**Annual
accounts,
audit and
financial
estimates.**

44. (1) The annual accounts of the University shall be prepared under the direction of the Board, by the Finance and Accounts Officer and all moneys accruing to or received by the University from whatever source and all amounts disbursed and paid by the University shall be entered in the accounts.

(2) The Board shall prepare before such date as may be prescribed, the financial estimates for the ensuing year having regard to the Government grants that are likely to be available.

(3) The annual accounts and the financial estimates shall be considered and a resolution adopting the accounts and financial estimates shall be passed by the Board at its annual meeting.

(4) The annual accounts so adopted shall be submitted by the Vice-Chancellor to the State Government for audit which shall cause an audit to be carried out by an auditor appointed by the State Government, in consultation with the Accountant General, Gujarat State.

(5) The Board shall, after the accounts are audited, submit a copy thereof alongwith a copy of audit report and statement of the action taken by the University on the audit report to the State Government which shall cause the same to be laid before the State Legislature.

45. (1) The annual report of the University shall be prepared by the Registrar under the direction of the Vice-Chancellor and shall be submitted to the Board at least one month before the annual meeting at which it is to be considered. **Annual Report.**

(2) The Board shall after considering the report, forward it to the State Government with such comments as may be deemed necessary, and the State Government shall cause the report together with its comments to be laid before the State Legislature.

CHAPTER VIII AFFILIATION AND RECOGNITION

46. (1) A college desiring to impart education in Veterinary and allied sciences shall make an application to the Registrar in such manner, in such form containing such particulars and undertaking and alongwith such fees as may be prescribed, for an affiliation to the University, not later than 31st March of the year preceding the year in which the college is proposed to be started. **Affiliation.**

Provided that, on the recommendation of the Vice-Chancellor, the Board may, if it is satisfied that there are special reasons to do so, after recording such reasons, entertain a letter of application sent to the Registrar after 31st March.

(2) A college applying for an affiliation shall satisfy the Board and the Academic Council -

(a) that the college is to be under the management of regularly constituted governing body;

(b) that the strength and the qualifications of the teaching staff and the conditions governing their tenure of office are such as to make

due provision for the education in veterinary and allied sciences to be imparted by the college and for conducting and guiding research in veterinary and allied sciences and programmes of extension education to be undertaken by the college;

(c) that the buildings in which the college is or is to be located are suitable and that provision has been or shall be made, in conformity with the Statutes, for the residence in the college or in lodging approved by the college, of students not residing with their parents or guardians and for the supervision and welfare of students;

(d) that due provision is made or shall be made for a library;

(e) that where affiliation is sought in any branch of experimental science, arrangements have been or shall be made in conformity with the Statutes and regulations for imparting instruction in that branch of science in a properly equipped laboratory;

(f) that due provision is made or shall be made as far as circumstances may permit, for the residence of the Dean and other members of the teaching staff in or near the college or the place provided for the residence of students;

(g) that the financial resources of the college are such as to make due provision for its continued maintenance and efficient working;

(h) that the college rules fixing the fees (if any) to be paid by the students have not been so framed as to involve such competition with any existing college, in the same neighborhood as would be injurious to the interest of education;

(i) that for recruitment of the Dean and members of the teaching staff of the college, there is a selection committee of the college which shall include-

(i) in case of recruitment of the Dean, a representative of the University nominated by the Vice-Chancellor; and

(ii) in case of recruitment of a member of the teaching staff of the college, a representative of the University nominated by the Vice-Chancellor and the Head of the Department, if any, concerned with the subject to be taught by such member;

Provided that nothing in this clause shall apply to a Government college or a college maintained by the Government.

52 of 1984.

(3) The application shall contain an undertaking that the college shall comply with all the provisions and regulations under Indian Veterinary Council Act, 1984 and the Statutes and Regulations providing for conditions of service including pay scales and allowances of the teaching and other academic and non-academic staff of an affiliated college, not being a Government college or a college maintained by the Government.

(4) The application shall contain an undertaking that after the college is affiliated, any transfer of management and changes in the teaching staff and other changes which result in any of the aforesaid requirement not being fulfilled or continued to be fulfilled shall be forthwith reported to the Board.

(5) On receipt of an application made under sub-section (1), the Board shall,-

(a) direct a local inquiry to be made by a competent person or persons authorised by the Board in this behalf in respect of the matters referred to in an application and such other matters as may be deemed necessary and relevant;

(b) make such further inquiry as may appear to it to be necessary;

(c) give due consideration to the request, if any, made by the applicant for reconsideration of any of the conditions conveyed to him; and

(d) record its opinion after consulting the Academic Council on the question whether the application should be granted or refused either in whole or in part, stating the result of any inquiry under clauses (a) and (b):

Provided that where the views of the Academic Council with regard to the affiliation of a college are not acceptable to the Board, the Board shall refer the matter again to the Academic Council, with or without its comments and the Academic Council shall communicate again to the Board its views with regard to the affiliation of the college.

(6) Where the application or any part thereof is granted, the order of the University shall specify the courses of instruction in respect of which the college is affiliated and where the application or any part thereof is refused, the grounds of such refusal shall be recorded.

(7) The applicant can make appeal to the State Government if affiliation is refused either in whole or in part. The Registrar shall submit all the proceedings of the Academic Council and the Board relating thereto to the State Government which shall, after such inquiry as may appear to it to be necessary, grant or refuse the application or any part thereof.

(8) An application under sub-section (1) may be withdrawn at any time before an order is made under sub-section (6).

**Extension of
affiliation.**

47. Where a college desires to add to the courses of instruction in respect of which it is affiliated, the procedure prescribed by section 46 shall, as far as possible, be followed.

**Recognition of
institution.**

48. (1) The Board shall have power, after consultation with the Academic Council, to recognise an institution of Research or Extension Education as a recognised institute, other than a college in Veterinary and allied sciences.

(2) An institution, which desires to have such recognition, shall make an application to the Registrar and shall give full information in the application in respect of the following matters, namely:-

- (a) constitution and personnel of the managing body;
- (b) Subjects and courses in regard to which recognition is sought;
- (c) accommodation, equipments, library facilities and the number of students for whom provision has been or is proposed to be made;
- (d) the strength of the staff, their qualifications and salaries and the research work done by them;
- (e) fees levied or proposed to be levied and the financial provision made for capital expenditure on buildings and equipments and for the continued maintenance and efficient working of the institution.

(3) Before taking the application into consideration, the Board may call for any further information which it may deem necessary.

(4) The Board may direct a local inquiry to be made by a competent person or persons authorised by it in this behalf. After considering the report made as a result of such local inquiry and making such further inquiry as may appear to it to be necessary, the Board shall, after obtaining the opinion of the Academic Council, grant or refuse the application or any part thereof. Where the application or any part thereof is granted, the Board shall specify the subjects and courses of instructions in respect of which the institution is recognised and make a report to that effect to the Academic Council at their next succeeding meeting. The grounds of refusal of the application or any part thereof shall be stated.

**Inspection of
college or
recognised
institution.**

49. (1) Every affiliated college and recognised institution shall furnish such reports, returns and other information as the Board, after consulting the Academic Council, may require to enable it to judge the efficiency of the college or the institution.

(2) On a direction by the Board in that behalf, it shall be the duty of the inspection committee constituted by it to inspect an affiliated college or a recognised institution and to make a report to the Board.

(3) The Board shall cause every such college or institution to be inspected from time to time by the inspection committee.

(4) The Board may call upon any college or institution so inspected to take, within a specified period, such action as may appear to it to be necessary in respect of the matters and undertakings referred to in its application under sub-section (1) of section 46 or, as the case may be, sub-section (2) of section 48 or the conditions subject to which such status is granted.

50. (1) Every affiliated college or recognised institution shall comply with the provisions of this Act, the Statutes and the Regulations.

Affiliated college and recognised institutions to comply with provisions of Acts, Statutes and Regulations.

(2) If any affiliated college or recognised institution contravenes the provisions of sub-section (1), then, notwithstanding anything contained in the other provisions of this Act,-

(a) the rights conferred on such college or institution by the affiliation or recognition shall stand withdrawn from the date of such contravention; and

(b) such college or institution shall cease to be an affiliated college or recognised institution for the purposes of this Act.

(3) If any affiliated college or recognised institution affected by sub-section (2) raises any dispute as to the withdrawal of its rights of affiliation or recognition, then such dispute shall be referred to the State Government and the State Government shall decide the dispute and its decision shall be final.

51. (1) The rights conferred on a college by affiliation may be withdrawn in whole or in part or modified if the college has failed to observe any of the conditions of its affiliation or the college is conducted in a manner which is prejudicial to the interests of education.

Withdrawal of affiliation.

(2) A motion for the withdrawal or the modification of such rights shall be initiated only in the Board. The member of the Board, who intends to move such a motion, shall give notice of it and shall state in writing the grounds on which it is made.

(3) Before taking the said motion into consideration, the Board shall send a copy of the notice of the motion and statement of grounds on which it is made to the Dean of the college concerned together with an intimation that any representation in writing submitted within a period specified in such intimation on behalf of the college will be considered by the Board.

(4) On receipt of the representation or on the expiry of the period referred to in sub-section (3), the Board, after considering the notice of

motion, statement and representation, and after such inspection by any competent person or persons authorised by the Board in this behalf, and such further inquiry as may appear to it to be necessary and after consulting the Academic Council may, by a resolution, withdraw or suspend affiliation.

**Withdrawal of
recognition.**

52. (1) The rights conferred on an institution by recognition may be withdrawn or suspended for any period if the institution has failed to observe any of the conditions of its recognition or the institution has conducted in a manner which is prejudicial to the interest of education.

(2) A motion for such withdrawal or suspension shall be initiated only in the Board. The member of the Board, who intends to move such a motion, shall give notice of it and shall state in writing the grounds on which it is made.

(3) Before taking the said motion into consideration, the Board shall send a copy of the notice of motion and statement of grounds on which it is made to the head of the institution concerned, together with an intimation that any representation in writing submitted within a period specified in the intimation on behalf of the institution will be considered by the Board.

(4) On receipt of the representation or on the expiry of the period referred to in sub-section (3), the Board, after considering the notice of motion, statement and representation and after such inspection by any competent person or persons authorised by the Board in this behalf and after such further inquiry as may appear to it to be necessary, and after consulting the Academic Council, may, by a resolution, withdraw or suspend recognition.

CHAPTER IX SUPPLEMENTARY PROVISIONS

**Vice-Chancellor,
other officers and
employees to be
public servant.**

53. The Vice-Chancellor, the Registrar, the Finance and Accounts Officer, the Deans, the Directors and other officers and employees of the University shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servant within the meaning of section 21 of the Indian Penal Code.

XLV of 1860.

Explanation.— For the purpose of this section, any person who is appointed by the University for a specified period or for a specified work of the University, or who receives any remuneration by way of compensatory allowance or fees for any work done from the University Fund, shall be deemed to be an officer or employee of the University while he is performing, and in relation to all matters relatable to the performance of, the duties and functions connected with such appointment or work.

54. The authority of the University may appoint a committee, consisting of its members and such other persons, as it may deem fit, for the purpose of achieving its objects. **Constitution of Committees.**

55. Subject to the provisions of this Act and the Statutes, any authority of the University may delegate its powers vested in it to such officer or the authority subordinate to it. **Delegation of Powers.**

56. (1) Subject to the provisions of this Act, the designations, qualifications, method of recruitment, pay and allowances, their powers and duties and other terms and conditions of service of all employees of the University shall be such as may from time to time be prescribed. **Conditions of service of employees.**

(2) No officer or employee of the University shall be offered nor shall he accept any remuneration for any work in the University save such as may be provided for in the Statutes.

57. (1) The Board may with the approval of the Chancellor, remove any person from membership of any authority or body of the University on the ground that his conduct is not befitting the office held by him: **Removal from membership of any University authority or vacating of office.**

Provided that prior approval of the Chancellor shall not be required where such person has been convicted of a criminal offence involving moral turpitude by court of law:

Provided further that no order for removal shall be passed against any member without giving him an opportunity of being heard.

(2) A person who is a member of any authority or body of the University as a representative of another body whether of the University or not shall cease to be a member of such authority or body if he ceases to be a member of that other body from which he was appointed, nominated or co-opted.

(3) Whenever any person becomes a member of any authority or body of the University by virtue of the office held by him, he shall cease to be a member of such authority or body, if he ceases to hold such office.

(4) Any member, other than an *ex-officio* member of any authority or body of the University, may resign his office by letter addressed to the Vice-Chancellor through the Registrar and such resignation shall take effect from the date on which the same is accepted by the authority competent to fill the vacancy or on the expiry of three months from the date of receipt of the letter by the Vice-Chancellor, whichever is earlier.

58. When any vacancy occurs in the office of a member (other than an *ex-officio* member) of any authority or body of the University before the expiry of the term of office of such member, the vacancy shall be filled up, as soon as conveniently may be, by the nomination, appointment or co-option, as the case may be, of a member who shall hold office so long only **Filling of casual vacancies.**

as the member in whose place he has been nominated, appointed or co-opted would have held it, if the vacancy had not occurred.

Proceedings
not to be
invalidated by
vacancies.

59. No act or proceeding of any authority or other body of the University shall be invalidated merely by reason of any vacancy in its membership or by reason of some person having taken part in the proceedings who is subsequently found not to have been entitled to do so.

Disputes as to
constitution of
University
authority or
body.

60. Where any question arises as to, —

(1) the interpretation of any provision of this Act or of any Statute or Regulation, or

(2) whether a person has been duly appointed as, or is entitled to be or ceases to be entitled to be a member of any authority or other body of the University or whether a body or authority of the University is duly constituted, or

(3) whether any decision of the University is in accordance with provisions of this Act, Statutes or Regulations,

(a) it may be referred to the State Government if it relates to a matter specified in clauses (1) and (3), and

(b) it shall be referred to the State Government —

(i) if it relates to a matter specified in clause (2), or

(ii) if not less than five members of the Board so required,

and the State Government shall after making such inquiry, as it deems fit and after giving an opportunity of being heard, decide the question and its decision shall be final.

Protection of
action taken in
good faith.

61. No suit, prosecution or other legal proceedings shall lie against the University, its authorities, bodies, officers or other employees for anything done or purported to be done in good faith in pursuance of this Act, the Statutes and Regulations framed thereunder.

CHAPTER X TRANSITORY PROVISIONS

Appointment
of first Vice-
Chancellor.

62. Notwithstanding anything contained in section 12, the first Vice-Chancellor shall be appointed by the State Government as soon as practicable after the commencement of this Act for a period not exceeding three years and on such terms and conditions as the State Government thinks fit.

Transitory
powers of
first Vice-
Chancellor.

63. (1) It shall be the duty of the first Vice-Chancellor to make arrangements for constituting the Academic Council and other authorities of the University, other than the Board of Management, within six months after the date of his appointment or such longer period not exceeding one

year in the aggregate as the State Government may, by notification in the *Official Gazette*, direct.

(2) The first Vice-Chancellor shall-

(a) subject to the provisions of the Act in consultation with the State Government, -

(i) make provisional Statutes necessary for constituting the authorities of the University and relating to the procedure at their meetings and the transaction of their business;

(ii) draw up rules that may be necessary for regulating the method of constitution of authorities,

(b) frame the first Statutes and Regulations under the Act and submit them for confirmation of the respective authorities when they commence to exercise their functions. Such Statutes and Regulations when confirmed by the respective authority shall be published in the *Official Gazette*.

(3) The authorities constituted under sub-section (1) shall commence to exercise their functions on such date or dates as the State Government may, by notification in the *Official Gazette*, direct.

(4) Notwithstanding anything contained in this Act and the Statutes and regulations, until such time an authority is duly constituted, the first Vice-Chancellor may appoint any officer or constitute any committee temporarily to exercise and perform any of the powers and functions of such authority under this Act, Statutes and Regulations.

64. (1) At any time after the commencement of this Act until such times as the authorities of the University commence to exercise their functions, the Vice-Chancellor with the previous sanction of the Chancellor may appoint any officer or teacher of University.

First appointment of officers and teachers of University.

(2) Any appointment made under sub-section (1) shall be for such period not exceeding three years and on such conditions as the appointing authority thinks fit:

Provided that no such appointment shall be made until financial provision has been made thereof.

65. The Vice-Chancellor appointed under section 62 shall have the following powers until the Board of Management commences to exercise its functions, namely:-

Extraordinary powers of the first Vice-Chancellor.

(a) with the previous approval of the Chancellor, to make additional Statutes to provide for any matter not provided for by the first Statutes;

(b) to constitute provisional authorities and bodies and on their recommendations, to make rules providing for the conduct of the work of the University;

(c) subject to the control of the State Government, to make such financial arrangement as may be necessary to enable this Act or any part thereof for bringing into force;

(d) with the sanction of the Chancellor, to make, for a period not exceeding three years, such appointments as may be necessary by or under this Act;

(e) to appoint any committee as he may think fit, to discharge such of his functions as he may direct; and

(f) generally to exercise all or any of the powers conferred on the Board of Management by or under the provisions of this Act.

**Power of State
Government
to remove
difficulties.**

66. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act as appear to be necessary or expedient for removing the difficulty :

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.

(2) Every order made under this section shall be laid as soon as may be, after it is made, before the State Legislature.

STATEMENT OF OBJECTS AND REASONS

The role of livestock has a vital effect on the economy of the State. As per the last census total livestock in the State is about two crores thirty- five lakhs which shows increase of 8.55 per cent comparing to the preceding census. If the people are provided with scientific and extensive training and educated in the field of Veterinary and Animal Science, the yield from Animal Husbandry and other occupations depending upon animals such as Dairying, Poultry and Fisheries would be more and consequently economy of the State would be strengthened. Now-a-days, the studies on Veterinary and Animal Sciences have become the prime need of the people engaged in the aforesaid occupations. It is, therefore, considered necessary to establish a separate University imparting education in the Veterinary and Animal Sciences covering Dairy, Fisheries and other allied sciences by enacting a law in this regard. All the existing colleges, institutions, research stations, centres or other units imparting education in the veterinary and allied sciences and under the control and management of the Agricultural Universities and enjoying the privileges of the said Universities shall continue to enjoy the privileges of the respective University.

The main objectives and functions of the University are as follows:-

1. Making provision for imparting education in veterinary, animal husbandry, dairy, fisheries and allied sciences;
2. Furthering the advancement of learning and conducting of research in veterinary, animal husbandry, dairy, fisheries and allied sciences;
3. Undertaking the extension education through appropriate media in veterinary, animal husbandry, dairy, fisheries and allied sciences;
4. Making provision for the study of basic sciences with a view to supporting other professional studies and thereby integrating such studies in the University curriculum;
5. Undertaking the integration of teaching, research and extension education with a view to promoting the productivity of veterinary and animal sciences;

The Bill seeks to achieve the aforesaid objects.

The following notes on clauses explain, in brief, some of the important provisions of the Bill.

Chapter I.— *Clause 1* provides for the short title and commencement and *Clause 2* provides for certain terms used in the Bill.

Chapter II.— This Chapter contains *Clauses 3 to 9* which relate to establishment and incorporation of the University, its headquarters, territorial jurisdiction, objects, powers and functions of the University. *Clause 9* provides for inspection and inquiry by the Chancellor.

Chapter III.— This Chapter contains *Clauses 10 to 19* which provide that the Chancellor, the Vice-Chancellor, the Deans, the Directors, the Registrar and the Finance and Accounts Officer shall be the officers of the University. It also provides for the qualifications, conditions of service, powers, duties and functions of the aforesaid officers of the University.

Chapter IV.— This Chapter contains *Clauses 20 to 32* which provide that the Board of Management, the Academic Council, the Veterinary and Animal Sciences Research Council, the Veterinary and Animal Sciences Extension Education Council, the Faculties the Board of Studies of each Faculty, the Planning Board and the Finance Committee shall be the authorities of the University. It also provides for the constitution, powers, duties and functions of the said authorities of the University.

Chapter V.— This Chapter contains *Clauses 33 to 35* relating to the resident instructions, research and extension education in the University.

Chapter VI.— This Chapter contains *Clauses 36 and 37*.

- (i) *Clause 36* empowers the Board to make Statutes for the matters specified therein;
- (ii) *Clause 37* empowers the Academic Council, the faculties and the Board of studies of each faculty, to make regulations for the objects of the University.

Chapter VII.— This Chapter contains *Clauses 38 to 45* which relate to funds and accounts of the University.

- (i) *Clause 38 to 43* provide for the University fund, foundation fund, other funds, pension, insurance and provident fund. It also provides for the grants to be made by the State Government to the University;
- (ii) *Clauses 44 and 45* provides for the preparation and maintenance of annual accounts, audit, financial estimates and annual report by the University.

Chapter VIII.—This Chapter contains *Clauses 46 to 52.*

- (i) *Clauses 46 to 48* provide for affiliation of colleges, extension of affiliation and recognition of institutions;
- (ii) *Clause 49* provides for inspection of affiliated colleges and recognised institutions;
- (iii) *Clause 50* provides that every affiliated colleges and recognised institutions shall be bound by the provisions of the Act, Statutes and regulations;
- (iv) *Clauses 51 and 52* respectively provide for the withdrawal of affiliation and recognition of colleges and institutions.

Chapter IX.—This Chapter contains *Clauses 53 to 61* relating to supplementary provisions.

- (i) *Clause 53* provides that the Vice-Chancellor, the Registrar, the Finance and Accounts Officer, the Deans, the Directors and other officers and employees of the University shall be deemed to be public servants;
- (ii) *Clause 54* empowers the authorities of the University to constitute committees from amongst its members and other persons;
- (iii) *Clauses 55* empowers the authority of the University to delegate its powers to such officer or authority subordinate to it;
- (iv) *Clause 56* empowers the University to prescribe for the designations, qualifications, method of recruitment, pay and allowances of the employees of the University and also provides for their powers and duties and other terms and conditions of service;
- (v) *Clause 57* empowers the Board with the approval of the Chancellor to remove any person from membership of any authority or body of the University on the ground that his conduct is not befitting the office held by him;
- (vi) *Clause 58* provides for filling up of casual vacancies occurring of a member of any authority or body of the University;
- (vii) *Clause 59* provides that no act or proceeding of any authority or other body of the University shall be invalidated merely by reason of any vacancy in its membership or by reason stated therein;
- (viii) *Clause 60* provides that where any question arises as to interpretation of any provision of the Act, Statutes or Regulations or any reference of a dispute as to the constitution of the University authority or body, the decision of the State Government shall be final;

(ix) *Clause 61* provides for usual indemnity for action taken by the University or any bodies, authorities, officers or other employees in good faith;

Chapter X.—This Chapter contains clauses 62 to 66 relating to the transitory provisions.

(i) *Clause 62* provides for the appointment of the first Vice-Chancellor by the State Government as soon as practicable after the commencement of this Act;

(ii) *Clause 63* provides for the transitory powers of the first Vice-Chancellor;

(iii) *Clause 64* provides for the first appointment of the officers and teachers of the University;

(iv) *Clause 65* provides for the extraordinary powers of the first Vice-Chancellor.

(v) *Clause 66* provides for the power of the State Government to remove difficulties arising within three years from the date of commencement of the Act.

DILEEP SANGHANI,

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the Kamdhenu University.

Clauses 8, 12, 14, 16, 18 and 19 provide for the appointment of teachers, other administrative and ministerial staff, Vice-Chancellor, Registrar, Finance and Accounts Officer, Deans, Directors and officers and employees of the University.

Clauses 38, 39 and 43 provide for the grants and contribution to be made by the State Government to the University Fund and Foundation Fund and for meeting the expenditure towards the pay and allowances of the staff and other recurring and non-recurring expenditure of the University. At this stage, it is not possible to ascertain the amount to be made available by way of grants or contribution towards the University Fund and Foundation Fund and for meeting other expenditure.

The provision of rupees six crores has been made in the Plan Budget for the year 2009-10 to meet with the initial expenditure towards the establishment and construction of the staff quarters, buildings, approach

road, compound wall, office of the University and of Vice-Chancellor's office, and furniture and fixtures, contingency expenditure, vehicles, etc. The Bill, if enacted and brought into force would involve expenditure from the Consolidated Fund of the State to this extent.

DILEEP SANGHANI,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative powers in the following respects:-

Clause 1.—Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which provisions other than section 1 shall come into force and also to appoint different dates for different provisions.

Clause 4.—This clause empowers the State Government to specify by notification in the *Official Gazette*, the headquarters of the University.

Clause 6.—Sub-clause (g) of this clause empowers the State Government to specify, by notification in the *Official Gazette*, the objects of the University.

Clause 7.—Proviso to this clause empowers the Board of Management to prescribe by Statutes, the number of students to be admitted and the minimum academic or other qualifications which shall be possessed by the said classes of the students.

Clause 8.—(i) Sub-clause (6) of this clause empowers the Board of Management to prescribe by Statutes, the manner in which honorary degrees and other distinctions are to be conferred by the University;

(ii) sub-clause (7) empowers the Board of Management to prescribe by Statutes, the manner in which the University may withdraw or cancel any degree, diploma or certificate conferred or granted by the University;

(iii) sub-clause (8) empowers the Board of Management to prescribe by Statutes, the lectures, instructions and training to be provided to field workers, village leaders and other persons who are not enrolled as a regular student of the University and to grant certificates to them;

(iv) sub-clause (9) empowers the University to prescribe by Statutes, the manner in which and the purpose for which the University may collaborate and co-operate with other Universities, and institutions;

(v) sub-clause (15) empowers the Board of Management to prescribe by Statutes, the fees and other charges to be fixed, demanded, received or recovered by the University.

Clause 11.— Sub-clause (4) of this clause empowers the Board of Management to prescribe by Statutes, other powers to be exercised and duties to be performed by the Chancellor.

Clause 12.— (i) Para (a) of sub-clause (2) of this clause empowers the State Government to nominate three members from the field of veterinary and allied Sciences, on the Search Committee to be appointed by the Chancellor;

(ii) sub-clause (3) of this clause empowers the Board of Management to prescribe by Statutes, the time within which and the manner in which the committee shall select three persons whom it considers fit for being appointed as Vice-Chancellors; and to prescribe other particulars, which the Committee may recommend to the Chancellor alongwith the names so selected;

(iii) sub-clause (5) empowers the Board of Management to prescribe by Statutes, the emoluments and the other terms and conditions of service of the Vice-Chancellor.

Clause 13.— Sub-clause (10) of this clause empowers the Board of Management to prescribe by Statutes, the other powers to be exercised and duties to be performed by the Vice-Chancellor.

Clause 14.— Sub-clause (1) of this clause empowers the Board of Management to prescribe by Statutes, the qualifications, emoluments and the other terms and conditions of service of the Registrar.

Clause 15.— Para (i) of sub-clause (1) empowers the Board of Management to prescribe by Statutes, the other powers to be exercised and other duties to be performed by the Registrar.

Clause 16.— Sub-clause (3) of this clause empowers the Board of Management to prescribe by Statutes, the emoluments and the other terms and conditions of service of the Finance and Accounts Officer.

Clause 17.— (i) para (b) of sub-clause (1) of this clause empowers the Board of Management to prescribe by Statutes the other powers and

financial functions to be exercised by the Finance and Accounts Officer;

(ii) proviso to sub-clause (1) empowers the Board of Management to prescribe by Statutes, the amount exceeding which, the Finance and Accounts Officer shall not incur any expenditure or make any investment.

Clause 18.— (i) Sub-clause (1) of this clause empowers the Board of Management to prescribe by Statutes, the manner in which the Dean of each Faculty shall be appointed;

(ii) sub-clause (3) empowers the Board of Management to prescribe by Statutes, the other powers to be exercised and duties to be performed by the Dean.

Clause 19.— Sub-clauses (2) and (3) of this clause empower the Board of Management to prescribe by Statutes, the qualifications, emoluments and the terms and conditions of service of the Director of Research, Director of Extension Education, Director of Information Technology and Director of Student's Welfare and the powers to be exercised and duties to be performed by the such Directors.

Clause 21.— (i) sub-clause (4) of this clause empowers the Board of Management to prescribe by Statutes, the daily and traveling allowance to be paid to the nominated members;

(ii) sub-clause (5) of this clause empowers the Board of Management to prescribe by Statutes, such allowance to be paid to the person who is consulted by the Board and attended the meeting;

(iii) sub-clause (8) of this clause empowers the Board of Management to prescribe by Statutes, the manner in which the Board shall conduct the meeting and transact its business.

Clause 22.— (i) Para (xvii) of sub-clause (2) of this clause empowers the the Board of Management to make Statutes to affiliate colleges or recognise institutions of research in Veterinary and allied sciences or extension education;

(ii) paras (xxiii) and (xxiv) empower the Board of Management to lay down and regulate the pay scales, allowances and conditions of service of officers, members of the teaching, other academic and non-teaching staff of the University, affiliated colleges, constituent colleges and recognised institutions;

(iii) paras (xxvi) and (xxvii) empower the Board to prescribe Statutes for instituting and conferring degrees, diplomas,

and other academic distinctions; and award of fellowship and scholarships, studentships, medals and prizes and other awards;

(iv) para (xxx) empowers the Board of Management to make provisions for use of Gujarati, Hindi, English as the medium of instruction and examination;

(v) para (xxxii) empowers the Board of Management to make, amend or repeal the Statutes.

Clause 23.— (i) Para (ix) of sub-clause (1) of this clause empowers the Board of Management to prescribe by Statutes, the manner of nomination, by rotation, in which the Vice-Chancellor shall nominate four members from amongst the Heads of Departments from the faculty of Veterinary Science and faculty of Dairy and Fishery of the University;

(ii) sub-clause (2) empowers the Board of Management to prescribe by Statutes, the period for which and the manner in which the Academic Council may co-opt the additional members;

(iii) sub-clause (4) empowers the Board of Management to prescribe by Statutes, the manner in which the Academic Council shall conduct the meeting and transact its business.

Clause 24.— (i) Sub-clause (2) of this clause empowers the Board of Management to prescribe by Statutes, the conditions subject to which the Academic Council shall exercise the powers and perform the duties specified in that clause;

(ii) para (iv) of sub-clause (2) empowers the Academic Council to make regulations relating to admission of students to the University and to determine the number of students to be admitted;

(iii) para (viii) of sub-clause (2) empowers the Academic Council to make regulations relating to the conduct of examinations;

(iv) paras (xi) and (xii) empower the Academic Council to make regulations for curriculum and academic matters;

(v) para (xiv) empowers the Board of Management to make Statutes conferring other powers to be exercised and imposing other duties to be performed by the Academic Council.

Clause 25.— (i) Para (vii) of sub-clause (1) of this clause empowers the Board of Management to prescribe by Statutes, the manner of nomination by rotation in which the Vice-Chancellor shall nominate one Head of the Department in the Veterinary and Animal Sciences Research Council;

(ii) sub-clause (3) empowers the Board of Management to prescribe by Statutes, the manner in which the Veterinary and

Animal Sciences Research Council shall conduct its meetings and transact the business.

Clause 27.- (i) Para (vii) of sub-clause (1) of this clause empowers the Board of Management to prescribe by Statutes, the manner of nomination by rotation in which the Vice-Chancellor shall nominate one Head of the Department in the Veterinary and Animal Sciences Extension Education Council;

(ii) sub-clause (3) empowers the Board of Management to prescribe by Statutes, the manner in which the Veterinary and Animal Sciences Extension Education Council shall conduct its meetings and transact the business.

Clause 29.-- (i) Sub-clauses (1) and (2) of this clause empower the Board of Management to prescribe by Statutes, the other faculties to be the faculties of the University and also provide for the departments, divisions and centres in such faculties;

(ii) sub-clause (3) of this clause empowers the Board of Management to prescribe by Statutes, the constitution, powers and functions of the faculties.

Clause 30.—This clause empowers the Board of Management to prescribe by Statutes, the Board of Studies for every subject or group of subjects and its constitution, powers and functions.

Clause 33.— This clause empowers the Board of Management to prescribe by Statutes, the Bachelor's degree, Master's degree, Doctorate degree programmes and short term diploma and certificate courses in the disciplines of Veterinary and Animal Sciences, Dairy, Fisheries and other allied sciences.

Clause 36.— This clause empowers the Board of Management to make the Statutes for the matters specified in sub-clause (2) and also empowers to amend, repeal or add to those Statutes with the approval of the Chancellor.

Clause 37.— Sub-clause (1) of this clause empowers the Academic Council, the faculties and the Board of Studies to make Regulations in respect of matters specified therein.

Clause 39.— Sub-clause (3) of this clause empowers the Board of Management to prescribe by Statutes, the manner in which the funds and all moneys of the University shall be managed.

Clause 40.— This clause empowers the Board of Management to prescribe by Statutes, such other funds of the University.

Clause 41.— Sub-clause (1) of this clause empowers the Board of Management to prescribe by Statutes, the manner in which and the conditions subject to which a University shall make provision for the benefit of its officers, teachers and other servants in such matters as pension, provident fund and insurance, etc.

Clause 44.— Sub-clause (2) of this clause empowers the Board of Management to prescribe by Statutes, the date before which the Board of Management shall prepare the financial estimates for the ensuing year.

Clause 46.— Sub-clause (1) of this clause empowers the Board of Management to prescribe by Statutes, the manner, the form of application, the fees and undertaking for making an application for affiliation to the University.

Clause 56.—(i) Sub-clause (1) of this clause empowers the Board of Management to prescribe by Statutes, the designations, qualifications, method of recruitment, pay and allowances, powers and duties and other terms and conditions of service of all employees of the University;

(ii) sub-clause (2) of this clause empowers the Board of Management to prescribe by Statutes, when the officer or employee of the University may accept any remuneration for any work in the University.

Clause 62.— This clause empowers the State Government to appoint first Vice-Chancellor for a period not exceeding three years, on such terms and conditions, as the State Government thinks fit.

Clause 63.— (i) Sub-clause (1) of this clause empowers the State Government, by notification in the *Official Gazette*, to specify such period not exceeding one year in the aggregate, for constituting the Academic Council and other authorities (other than the Board) of University, by the first Vice-Chancellor;

(ii) item (i) of paragraph (a) of sub-clause (2) empowers the first Vice-Chancellor to make provisional Statutes in consultation with the Government, for constituting the authorities of the University and for the matters relating to meetings and transaction of business at such meetings;

(iii) item (ii) of paragraph (a) of sub-clause (2) empowers the first Vice-Chancellor to make rules for method of constituting the authorities;

(iv) paragraph (b) of sub-clause (2) empowers the first Vice-Chancellor to frame first Statutes and Regulations of the respective authorities, when they commence to exercise their functions;

(v) sub-clause (3) of this clause empowers the State Government to specify, by notification in the *Official Gazette*, the date or dates on which the authorities constituted under sub-clause (1) by the first Vice-Chancellor shall commence to exercise their functions;

(vi) sub-clause (4) of this clause empowers the first Vice-Chancellor to appoint any officer or constitute any committee temporarily to exercise and perform any of the powers and

functions of the authority constituted under sub-clause (1) until such time the authority is duly constituted.

Clause 64.— This clause empowers first Vice-Chancellor with the previous sanction of the Chancellor to appoint any officer or teacher of University for the period not exceeding three years, after the commencement of this Act until such times as the authorities of the University.

Clause 65.— (i) Items (a) and (b) of this clause empowers the first Vice-Chancellor, with the previous approval of the Chancellor, to make additional Statutes, for any matter not provided for by the first Statutes; and to constitute provisional authorities and bodies and to make rules, on their recommendations, providing for the conduct of the work of the University.

Clause 66.— This clause empowers the State Government by an order published in the *Official Gazette*, to make such provisions not inconsistent with the provisions of the Act, to remove any difficulty arising within the first three years, as appear to be necessary or expedient for removing the difficulty.

The delegation of legislative powers, as aforesaid, is necessary and is of a normal character.

Gandhinagar,
Dated the 25th June, 2009.

DILEEP SANGHANI.

By order and in the name of the Governor of Gujarat,

Gandhinagar
Dated the 25th June, 2009.

H. D. VYAS,
Secretary to the Government of Gujarat,
Legislative and Parliamentary
Affairs Department.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

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Separate paging is given to this part in order that it may be filed as a Separate Compilation.

PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

THE GUJARAT FISCAL RESPONSIBILITY (AMENDMENT) BILL, 2009.

GUJARAT BILL NO. 13 OF 2009.

A BILL

further to amend the Gujarat Fiscal Responsibility Act, 2005.

It is hereby enacted in the Sixtieth Year of Republic of India as follows:-

1. This Act may be called the Gujarat Fiscal Responsibility (Amendment) Act, 2009. Short title.

Guj. 11 of 2005.

2. In the Gujarat Fiscal Responsibility Act, 2005, in section 5, for the existing provisos, the following provisos shall be substituted, Amendment of section 5 of Guj. 11 of 2005.
namely:-

“Provided that revenue deficit and fiscal deficit may exceed the limits specified under this section due to ground or grounds of unforeseen demands on the finances of the State Government arising out of internal disturbance or natural calamity or due to any other exceptional ground as the State Government may specify :

Provided further that a statement in respect of the ground or grounds specified in the first proviso shall be placed before the State Legislature, as soon as may be, after such deficit amount exceeds the aforesaid targets.”.

STATEMENT OF OBJECTS AND REASONS

The Gujarat Fiscal Responsibility Act, 2005 was enacted to provide for the responsibility of the State Government to ensure prudence in fiscal management and fiscal stability by progressive elimination of revenue deficit, sustainable debt management consistent with fiscal stability, greater transparency in fiscal operations of the Government and conduct of fiscal policy in a medium term fiscal framework and for matters connected therewith or incidental thereto.

Section 5 of the Gujarat Fiscal Responsibility Act, 2005 stipulates the fiscal management targets on revenue deficit and fiscal deficit. The existing provisos to section 5 provide that the revenue deficit and the fiscal deficit may exceed the limits specified under that section on account of unforeseen circumstances or natural calamity. The instance of economic slow down pushing the Government to provide economic stimulus through increased expenditure resulting in exceeding the fiscal management targets was not envisaged at the time of the enactment of the Act. Now it has become necessary to accommodate such exceptional grounds within the proviso to enable the State Government to take necessary fiscal correction steps within the ambit of the Act. It is, therefore, considered necessary to amend the provisos to section 5 of the said Act.

In view of the current slow down in the economy not only in India but globally and in view of the need to give a growth stimulus to the economy, the Government of India has vide its letter dated the 17th March, 2009 suggested in general to amend the Fiscal Responsibility Legislation of the States.

This Bill seeks to amend the said Act to achieve the aforesaid objects.

Gandhinagar,
Dated the 29th June, 2009.

VAJUBHAI VALA.

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 29th June, 2009.

H. D. VYAS,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE BOMBAY PROHIBITION (GUJARAT AMENDMENT) BILL, 2009.

GUJARAT BILL NO. 14 OF 2009.

A BILL

further to amend the Bombay Prohibition Act, 1949.

It is hereby enacted in the Sixtieth Year of the Republic of India as follows:-

1. (1) This Act may be called the Bombay Prohibition (Gujarat Amendment) Act, 2009.

Short title and
commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment
of section 2 of
Bom. XXV of
1949.

2. In the Bombay Prohibition Act, 1949 (hereinafter referred to as "the principal Act"), in section 2, after clause (23), the following clause shall be inserted, namely:-

"(23A) "*Laththa*" means spurious liquor, which contains methanol or any other poisonous substances, which may cause harmful or injurious effects to the human body or death of a person;"

Amendment of
section 65 of
Bom. XXV of
1949.

3. In the principal Act, in section 65, the proviso shall be deleted.

Insertion of
new section
65A in
Bom. XXV of
1949.

4. In the principal Act, after section 65, the following section shall be inserted, namely:-

Punishment
for *laththa*.

"65A. (1) Notwithstanding anything contained in this Act, whoever, -

- (a) manufactures *laththa*,
- (b) constructs or works any distillery or brewery for it,
- (c) sells or buys *laththa*, or
- (d) uses, keeps, transports or has in his possession *laththa*,

shall, on conviction, be punished with imprisonment for a term which may extend to ten years, but shall not be less than seven years and also with fine.

(2) When there has been death of any person by the consumption of the said *laththa* mentioned in sub-section (1) above, the person who has manufactured, kept, sold or arranged to make it drink or distributed *laththa* shall, on conviction, be punished with death or imprisonment for life and shall also be liable to fine.

(3) Whoever keeps, sells, buys or supplies any material for manufacture of the *laththa* and when there has been death of person by

the consumption of the said *laththa* shall, on conviction, be punished for a term up to imprisonment for life and shall also with fine.”.

5. In the principal Act, after section 94, the following section shall be inserted, namely:-

Insertion of new section 94A in Bom. XXV of 1949.

Punishment for failure in duty by Prohibition Officer or Police Officer.

“94A. Any Prohibition Officer or Police Officer duty bound under section 116C, fails to send the sample of liquor to Forensic Science Laboratory of the State for its detailed report shall, on conviction, be punished with imprisonment for a term which may extend to one year and with fine which may extend to three thousand rupees.”.

6. In the principal Act, in section 98, in sub-section (2), after the words “order of the Court”, the words “but it shall not be released on bond or surety till the final judgement of the Court where the quantity of the seized liquor is exceeding the quantity as may be prescribed by the rules.” shall be added at the end.

Amendment of section 98 of Bom. XXV of 1949.

7. In the principal Act, in section 115, -

(1) section 115 shall be renumbered as sub-section (1) of that section and in sub-section (1) as so renumbered, after the words “authorised by this Act”, the words and figures “except any sentence under section 65A” shall be inserted;

Amendment of section 115 of Bom. XXV of 1949.

- (2) after sub-section (1), the following sub-section shall be inserted, namely:-

“(2) The provisions of the Code of Criminal Procedure, 1972 shall apply for trials of the offences under section 65A.”.

2 of 1974.

8. In the principal Act, after section 116B, the following section shall be inserted, namely :-

Insertion of new section 116C in Bom. XXV of 1949.

Duty to send
sample to
Laboratory.

"116C. It shall be the duty of the Prohibition Officer or the Police Officer who has seized any liquor to forward immediately without any loss of time the sample of the same to the Forensic Science Laboratory of the State for detailed analysis report."

Amendment
of section
119 of Bom.
XXV of
1949.

9. In the principal Act, in section 119, for the words, figures and letter "sections 65, 67, 67-1A and 68", the words, figures and letter "sections 65, 65A, 67, 67-1A and 68" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The anti-social elements adulterate liquor by mixing the methyl alcohol or other poisonous substances and make the spurious liquor which is commonly known as *Laththa*. The consumption thereof may cause harmful effect to human body or cause death of a person.

Recently, due to such type of illegal activities, some people have lost their lives. With a view to prohibiting the misuse of such illicit and spurious liquor and in view of the situation, it is considered necessary to amend the existing provisions of the Bombay Prohibition Act, 1949 and make stringent provisions for offences relating to manufacturing, constructing selling, buying, keeping, transporting, etc. of such spurious liquor.

With a view to preventing the sad incidents of *Laththa* consumption causing death of persons, it is considered necessary to insert new section 65A which *inter alia* provides that any person who manufactures *Laththa*, constructs any distillery or brewery, sells or buys, uses, keeps, transports or has in his possession such *Laththa* shall be punished for a term which may extend to ten years but not less than seven years. It is also provided that when there has been death of person by consumption of the said *Laththa*, the person who has manufactured, kept, sold etc. shall be punished with death or imprisonment for life and also fine.

It is also provided that conveying vehicles used in transport of liquor (including *Laththa*) shall not be released on bond or surety, in cases where the quantity of the seized liquor exceeds the quantity as may be prescribed by rules, till the final order of the Court. Such vehicle would be liable to be confiscated as per the existing provisions of section 98.

The Bill seeks to amend the said Act to achieve the aforesaid object.

The following notes on clauses explain in brief the important provisions of the Bill :-

- Clause 2.-** This clause defines the term "*Laththa*".
- Clause 3.-** This clause deletes the proviso to section 65 which provides minimum imprisonment for first, second and third and subsequent offences.
- Clause 4.-** This clause inserts new section 65A in the Act which provides for punishment for manufacture of *Laththa* etc.
- Clause 5.-** This clause inserts new section 94A which provides for punishment for failure in duty by the Prohibition Officer or Police Officer.
- Clause 6.-** This clause amends section 98.
- Clause 7.-** This clause amends section 115. It provides that provisions of the Criminal Procedure Code shall apply for trials of offences under section 65A.
- Clause 8.-** This clause inserts new section 116C which casts duty upon the Prohibition Officer or the Police Officer to send samples of any liquor seized to the Forensic Science Laboratory.

AMIT SHAH,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provides for delegation of legislative powers in the following respect, namely:-

- Clause 1. -** Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.
- Clause 6.-** Sub-section (2) of section 98 proposed to be amended by this clause empowers the State Government to prescribe by rules, the quantity of seized liquor exceeding for which the conveying vehicle

Shall not be released on bond or surety till the final judgement of the court.

The delegation of legislative powers as aforesaid in necessary and is of a normal character.

Dated the 15th July, 2009.

AMIT SHAH,

By order and in the name of the Governor of Gujarat,

Gandhinagar.

Dated the 15th July, 2009.

H. D. VYAS,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT PROHIBITION OF TRANSFER OF IMMOVABLE PROPERTY AND PROVISION FOR PROTECTION OF TENANTS FROM EVICTION FROM PREMISES IN DISTURBED AREAS (AMENDMENT) BILL, 2009.

GUJARAT BILL NO. 15 OF 2009.

A BILL

*further to amend the Gujarat Prohibition of Transfer of Immovable Property
and Provision for Protection of Tenants from Eviction from Premises in
Disturbed Areas Act, 1991.*

It is hereby enacted in the Sixtieth Year of the Republic of India as follows :-

1. This Act may be called the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from Premises in Disturbed Areas (Amendment) Act, 2009.

Short title.

Amendment of
section 4 of
Guj. 12 of
1991.

2. In the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from Premises in Disturbed Areas Act, 1991 (hereinafter referred to as "the principal Act"), in section 4, in the *Explanation*, for the words "taken or retained", the words "taken or retained under an agreement to sell or under the power of attorney or" shall be substituted.

Guj. 12
of 1991.

Insertion of new
section 5A in
Guj. 12 of 1991.

3. In the principal Act, after section 5, the following section shall be inserted, namely:-

Obligations of
transferor and
transferee who
have received
advantage under
null and void
transfers.

"5A. (1) (a) Where a transfer of immovable property is null and void under sub-section (1) of section 4 and no declaration is made in respect of such transfer under sub-clause (ii) of clause (b) of sub-section (2) of section 4, or

(b) where a transfer of immovable property is null and void under sub-section (2) of section 5,

the transferor who has received any consideration for such transfer shall return the consideration to the transferee-

(i) where such transfer is made before the date of the commencement of the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from Premises in Disturbed Areas (Amendment) Act, 2009, within six months from the date of such commencement, and

Guj.....of
2009.

(ii) where such transfer is made after the date of such commencement, within six months from the date of such transfer;

(c) the transferee or any other person on behalf of such transferee (hereinafter in this section referred to as the 'agent') has possession of such immovable property shall restore the property to the transferor within the said period of six months;

(d) the transferee shall not make any improvement in the property and the Collector may by an order restrain the transferee to make any improvement in the property.

(2) (a) Where a transferor fails to return the consideration to the transferee within the said period of six months, or

(b) where a transferee or his agent fails to restore possession of the immovable property to the transferor within the said period of six months,

the transferee in the case of (a) and the transferor in the case of (b) may make an application in such form and within such period as may be prescribed, to the Collector for making an order directing the transferor to return the consideration to the transferee or, as the case may be, directing the transferee or his agent to restore possession of the immovable property to the transferor.

Bom. V
1879.

(3) The Collector, may at any time *suo motu* or on an application made to him under sub-section (2), shall, after making a formal inquiry in the manner prescribed by the Bombay Land Revenue Code, 1879 and after giving the transferor and the transferee or, as the case may be, his agent an opportunity of being heard and after considering any evidence which may be produced, make an order in writing directing the transferor to return such consideration to the transferee within such time as may be specified in the order or, as the case may be, an order in writing directing the transferee or his agent to restore the possession of the immovable property to the transferor within such time as may be specified in the order or make such other order as he deems fit.

(4) (a) where the transferor fails to return the consideration to the transferee within the time specified in the order made under sub-section (3), the Collector may recover the consideration from the transferor as an arrears of land revenue and pay the same to the transferee after deducting the expenses for such recovery,

(b) where the transferee or his agent fails to restore possession of the immovable property within the time specified in the order made under sub-section (3), the Collector may, notwithstanding anything to the contrary contained in any law for the time being in force, evict the transferee or his agent from the immovable property and take possession of such property and may, for such purpose, use or cause to be used such force as may be necessary, and restore the possession of such property to the transferor.

(5) Where a transferor fails to take the possession of such property, the property shall temporarily be in the custody of the Collector and the Collector may take such measures as he considers necessary or expedient for securing and managing such property subject to the provisions of rules made in this behalf."

4. In the principal Act, in section 6, after the words and figure "of section 5", the words, brackets, figures and letter "or by an order made under sub-section (3) of section 5A" shall be inserted. Amendment of section 6 of Guj. 12 of 1991.

Insertion of new sections 9A and 9B in Guj. 12 of 1991. 5. In the principal Act, after section 9, the following sections shall be inserted, namely:-

Penalty for contravention of provisions of section 4, 5 or 5A. "9A. Whoever contravenes the provisions of section 4, 5 or 5A shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine not exceeding ten thousand rupees or with both.

Cognizable offence. 9B. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the offence punishable under section 9A shall be cognizable." 2 of 1974.

Amendment of section 11 of Guj. 12 of 1991. 6. In the principal Act, in section 11, for the words and figures "section 4 or 5", the words and figures "section 4, 5 or 5A" shall be substituted.

Amendment of section 12 of Guj. 12 of 1991. 7. In the principal Act, in section 12, in sub-section (2), after clause (b), the following clause shall be inserted, namely:-

"(bb) the period within which and the form in which an application may be made under sub-section (2) and the rules subject to which the Collector shall secure and manage the property under sub-section (5) of section 5A;".

STATEMENT OF OBJECTS AND REASONS

The Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from Premises in Disturbed Areas Act, 1991 prohibits the transfer of immovable property in the disturbed areas of the State. In spite of the implementation of the said Act in the State, it is experienced that in many cases properties are transferred in contravention of the provisions of the Act and illegal possession is taken. With a view to curb such unauthorised transfer of immovable property, it is considered necessary to amend the aforesaid Act.

It is proposed to insert new section 5A in the Act which empowers the Collector *suo muto* or on an application from any person to hold inquiry in cases where the possession of immovable property is in contravention of provisions of sections 4 and 5 of the Act and returning the consideration and restore the possession of the immovable property. The proposed amendment also provides for penalty for contravention of provisions of sections 4, 5 and 5A and also making the offence cognizable.

For the purpose of effective implementation of the Act, a provision has also been made which empowers the Collector to take property in his custody temporarily, manage such property in case where transferor fails to take the possession of the property and to restrain the person from making any improvement in the property.

This Bill seeks to amend the Gujarat Prohibition of Transfer of Immovable Property and Provisions for Protection of Tenants from Eviction from Premises in Disturbed Areas Act, 1991 to achieve the aforesaid objects.

ANANDIBEN PATEL,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative powers in the following respects :-

Clause 3.- (i) Sub-section (2) of new section 5A proposed to be inserted by this clause empowers the State Government to prescribe by rules, the form for an application to be made by transferor or transferee and the period within which such application shall be made;

(ii) sub-section (5) of new section 5A proposed to be inserted by this clause empowers the State Government to prescribe by rules, subject to which the Collector shall secure and manage the property temporarily in his possession where a transferor has failed to take possession.

Clause 7.- Clause (bb) sought to be inserted in sub-section (2) of section 12 of the Act empowers the State Government to make rules for the matter specified in the said clause (bb).

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Dated the 15th July, 2009.

ANANDIBEN PATEL.

By order and in the name of the Governor of Gujarat,

Gandhinagar
Dated the 15th July, 2009.

H. D. VYAS,
Secretary to the Government of Gujarat,
Legislative and Parliamentary
Affairs Department.



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PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE RAKSHA SHAKTI UNIVERSITY BILL, 2009.

GUJARAT BILL NO. 16 OF 2009.

A BILL

to establish and incorporate a University to be known as the Raksha Shakti University in the State of Gujarat and for matters connected therewith or incidental thereto.

It is hereby enacted in the Sixtieth Year of the Republic of India as follows:-

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Raksha Shakti University Act, 2009.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Short title and
commencement.

Definitions. 2. In this Act, unless the context otherwise requires,-

- (i) "Academic Council" means the Academic Council of the University constituted under section 16;
- (ii) "Board" means the Board of Governors of the University constituted under section 12;
- (iii) "Deans" means the Deans of the University appointed under section 24;
- (iv) "Director of Research and Development" means the Director of Research and Development of the University appointed under section 21;
- (v) "Directors" means the Directors of the Institutes of the University appointed under section 23;
- (vi) "Director General" means the Director General of the University appointed under section 8;
- (vii) "Deputy Director General" means the Deputy Director General of the University appointed under section 20.
- (viii) "Finance Committee" means the Finance Committee of the University constituted under section 18;
- (ix) "prescribed" means prescribed by the regulations;
- (x) "Registrar" means the Registrar of the University appointed under section 22;
- (xi) "Regulations" means the regulations of the University made under section 36;
- (xii) "University" means the Raksha Shakti University established and incorporated under section 3.

CHAPTER II

UNIVERSITY

Establishment and incorporation of University. 3. (1) There shall be established a University by the name of the "Raksha Shakti University".

(2) The Director General, the Deputy Director General, the Board, the Academic Council, the Directors, Director of Research and Development, the

Deans, the Registrar and all other persons who may hereafter become such officers or members so long as they continue to hold such office or membership, hereby constitute a body corporate by the name of the "Raksha Shakti University".

(3) The University shall be a body corporate by the name as aforesaid, having perpetual succession and common seal with power, subject to the provisions of the Act, to acquire and hold property, to contract and shall, by the said name sue or be sued.

(4) In all suits and other legal proceedings by or against the University, the pleadings shall be signed and verified by the Registrar and all processes in such suits and proceedings shall be issued to, and served on, the Registrar.

4. The headquarters of the University shall be at such place as the State Government may, by notification in the *Official Gazette*, specify. Headquarters of University.

5. The objects of the University shall be as follows, namely:- Objects of University.

- (i) to develop an institution in Security Science and Management for bringing about excellence in all functions of security forces;
- (ii) to facilitate research in all matters of internal security;
- (iii) to extend the benefit of knowledge and skills with regard to law enforcement agencies thereby contributing to the development of individuals and society;
- (iv) to provide facilities to teachers and students for learning process so that individual attention is provided to the students with the objective of promoting scholarship and excellence;
- (v) to develop and conduct teaching methodology for security forces thereby encouraging innovation in training;
- (vi) to encourage and develop ideas and values enshrined in the Constitution of India to bring about improvement in the working of police and other security forces;

- (vii) to develop respect for the rule of law and faith in equitable administration;
- (viii) to institute career oriented courses through continuing education and practice;
- (ix) to carry out research work and organize programmes for better interaction of security forces with people;
- (x) to prepare youths of the State for becoming effective and efficient security personnel and to conduct courses and award degrees, diplomas and certificates for the said purpose;
- (xi) such other objects, not inconsistent with the provisions of this Act which the State Government may, on application by the University, by notification in the *Official Gazette*, specify in this behalf.

University
open to all
irrespective of
sex, religion,
class, creed or
opinion.

6. (1) No person shall be excluded from any office of the University or from membership of any of its authorities, bodies or committees, or from admission to any degree, diploma or other academic distinction or course of study on the sole ground of sex, race, creed, caste, class, place of birth, religious belief or political or other opinion.

(2) It shall not be lawful for the University to impose on any person any test whatsoever relating to sex, race, creed, caste, class, place of birth, religious belief or profession of political or other opinion in order to entitle him to be admitted as a teacher or a student or to hold any office or post in the University or to qualify for any degree, diploma or other academic distinction or to enjoy or exercise any privilege of the University or any benefaction, thereof.

Powers and
functions of
University.

7. Subject to the provisions of this Act, the University shall exercise the following powers and perform the following functions, namely:-

- (i) to administer and manage the University and to establish such institutes and centres for research, education and instruction as are necessary for the furtherance of the objects of the University;

- (ii) to provide for instruction, training and research in such branches of knowledge or learning pertaining to police service and police science;
- (iii) to prescribe courses and curricula and provide for flexibility in the education systems and delivery methodologies including electronic and distance learning;
- (iv) to hold examinations and confer degrees, diplomas or grant certificates and other academic distinctions or titles on persons subject to such conditions as the University may determine, and to withdraw or cancel any such degrees, diplomas, certificates, or other academic distinctions or titles in the manner as may be prescribed;
- (v) to confer honorary degrees or other distinctions in the manner as may be prescribed;
- (vi) to establish such special centres, specialized study centres or other units for research and development as are, in the opinion of the University, necessary for the furtherance of its objects;
- (vii) to provide for printing, reproduction and publication of research and other work and to organize exhibitions, workshops, seminars, conferences, etc;
- (viii) to sponsor and undertake research in all aspects of functions, behavioural science, technology and allied areas in relation to investigation, detection and prevention of crimes and rehabilitating the victims of crimes for making police objectively result oriented;
- (ix) to collaborate or associate with any educational institution with like or similar objects;
- (x) to develop and maintain linkages with educational or other institutions in any part of the world having objects wholly or partially similar to those of the University, through exchange of teachers, students and scholars and generally in such manner as may be conducive to their common objects;
- (xi) to develop and maintain relationships with teachers, researchers and experts in the domains of investigation and detection of crimes and

furthering the cause of criminal justice system for achieving the objects of the University;

- (xii) to regulate the expenditure, and to manage the finance and to maintain accounts of the University;
- (xiii) to receive grants, subventions, subscriptions, donations and gifts for the purpose of the University and consistent with the objects for which the University is established and to enter into any agreement with the Central Government, the State Government, the University Grants Commission or other authorities or bodies for receiving any grants;
- (xiv) to receive funds from the industries or from any other sources as gifts, donations, benefactions or bequests and by transfers of movable and immovable properties for the purposes and objects of the University;
- (xv) to establish, maintain and manage halls and hostels for the residence of students and accommodation for faculties, officers and employees of the University and the guest houses;
- (xvi) to supervise and control the residence and regulate the discipline of students of the University and to make arrangements for promoting their health and general welfare and cultural activities;
- (xvii) to fix, demand and receive or recover fees and such other charges as may be prescribed;
- (xviii) to institute and award fellowships, scholarships, prizes, medals and other awards;
- (xix) to purchase or to take on lease any land or building or works which may be necessary or convenient for the purpose of the University on such terms and conditions as it may think fit and proper and to construct, alter and maintain any such buildings or works;
- (xx) to sell, exchange, lease or otherwise dispose of all or any portion of the properties of the University, movable or immovable, on such terms as it may think fit, consistent with the interest, activities and objects of the University after taking prior permission of the State Government;

- (xxi) to draw and accept, to make and endorse, to discount and negotiate Government promissory notes and other promissory notes, bills of exchange, cheques or other negotiable instruments;
- (xxii) to raise and borrow moneys on bonds, mortgages, promissory notes or other obligations or securities founded or based upon all or any of the properties and assets of the University or without any securities and upon such terms and conditions as it may think fit and to pay out of the funds of the University, all expenses incidental to the raising of moneys, to repay and redeem any money borrowed after taking prior permission of the State Government;
- (xxiii) to invest the funds of the University in or upon such securities and transpose any investment from time to time in such manner as it may deem fit in the interest of University;
- (xxiv) to execute conveyances regarding transfers, mortgages, leases, licenses, agreements and other conveyance in respect of the property, movable or immovable including Government securities belonging to the University or to be acquired for the purpose of the University after taking prior permission of the State Government;
- (xxv) to admit the students for the courses offered by the University in the prescribed manner;
- (xxvi) to create academic, technical, administrative, ministerial and other posts and to make appointments thereto;
- (xxvii) to regulate and enforce discipline among the employees of the University and to provide for such disciplinary measures as may be prescribed;
- (xxviii) to institute professorships, associate professorships, assistant professorships, readerships, lectureships, endowed professorship, honorary professorships, adjunct professorships, emeritus professors and any other teaching, academic or research posts and to prescribe qualifications for them;

- (xxix) to appoint persons as Directors, Director of Research and Development, Deans, Professors, Associate Professors, Assistant Professors, Readers, Lecturers, Adjunct Professors, Registrar, or otherwise as teachers and researchers of the University;
- (xxx) subject to the provisions of this Act and the regulations, any officer or authority of the University may, by order, delegate his or its powers (except the power to make regulations) to any other officer or authority under his or its control and subject to the condition that the ultimate responsibility for the exercise of the power so delegated shall continue to rest in the officer or authority delegating them;
- (xxxi) to do all such other acts and things as the University may consider necessary, conducive or incidental to the attainment or enlargement of all or any of the objects of the University.

Director
General.

8. (1) The Director General of the University shall be appointed by the State Government.
- (2) The Director General shall be appointed from amongst the persons who:-
- (i) have served in any State/Central Police Department/ Organization or Military/Para Military Forces or have been connected with the training of State or Central Police Force or Military or Para Military Forces with proven record;
 - (ii) have not attained the age of sixty-five years on the date of nomination or re-nomination.
- (3) The Director General shall hold office for a period of three years and shall be eligible for re-appointment for a further period of three years.
- (4) The other terms and conditions of the Director General shall be such as may be determined by the State Government.
- (5) The Director General may resign from his office by writing under his hand addressed to the State Government and such a resignation shall take effect from

the date of acceptance by the State Government.

9. (1) The Director General shall have, subject to the provisions of this Act, power to cause an inspection or review to be made by such person or persons as he may direct, of the University, its buildings, hostels, libraries, equipments and systems and processes and of any institution or centre maintained by the University, and also of the examinations, teaching, research and other work conducted or done by the University and to cause an inquiry to be made in like manner in respect of any matter connected with the administration, academic affairs and finance of the University.

**Powers and
duties of
Director
General.**

(2) Without prejudice to the generality of the foregoing provisions, the Director General shall -

- (i) be the chief executive and academic officer of the University. He shall preside over the meetings of the Board, Academic Council and the Finance Committee;
- (ii) ensure implementation of the decisions of the authorities of the University;
- (iii) be responsible for imparting of instructions and maintenance of discipline in the University; and
- (iv) exercise such other powers and perform such other duties as may be assigned to him by or under this Act or the regulations or as may be delegated to him by the Board or by the State Government.

(3) Where any matter is of urgent nature requiring immediate action and the same cannot be immediately dealt with by the authority or body of the University empowered under this Act to deal with it, the Director General may take such action as he may deem fit and shall forthwith report the action so taken by him to the authority or body of the University who or which, in the ordinary course, would have dealt with the matter:

Provided that if such authority or other body is of the opinion that such action ought not to have been taken by the Director General, it may refer the

matter to the Board which may either confirm the action taken by the Director General or annul the same or modify it in such manner as it thinks fit, and thereupon the action shall cease to have effects or, as the case may be, shall take effect in such modified form so however such modification or annulment shall be without prejudice to the validity of any thing previously done by or under the order of the Director General.

(4) Where the exercise of the power by the Director General under subsection (3) involves the appointment of any person, such appointment shall be confirmed by the competent authority empowered to approve such appointment in accordance with the provisions of this Act and the regulations, not later than six months from the date of order of the Director General, otherwise such appointment shall cease to have effect on the expiration of a period of six months from the date of order of the Director General.

CHAPTER III

AUTHORITIES AND OFFICERS OF UNIVERSITY

Authorities of University.

10. The following shall be the authorities of the University, namely :-
- (i) the Board of Governors;
 - (ii) the Academic Council;
 - (iii) the Finance Committee; and
 - (iv) such other authorities as may be declared by regulations to be the authorities of the University.

Officers of University.

11. The following shall be the officers of the University, namely:-
- (i) The Director General,
 - (ii) The Deputy Director General,
 - (iii) The Director of Research and Development,
 - (iv) The Directors,
 - (v) The Deans,
 - (vi) The Registrar, and

(vii) such other persons in the service of the University as may be declared by regulations, to be the officers of the University.

12. (1) The Board of Governors of the University shall consist of the **Board of Governors.** following members, namely;-

- (i) the Director General, who shall be the Chairman of the Board;
- (ii) the Deputy Director General;
- (iii) the Director of Research and Development;
- (iv) one Director of the University, by rotation, to be nominated by the Director General;
- (v) one Police Officer, not below the rank of the Additional Director General of Police, to be nominated by the State Government, *ex-officio*;
- (vi) an officer of the Home Department, not below the rank of the Secretary to Government, to be nominated by the State Government, *ex-officio*;
- (vii) an officer of the Education Department, not below the rank of the Secretary to Government, to be nominated by the State Government, *ex-officio*;
- (viii) the Head of the Directorate of NCC in Gujarat, *ex-officio*;
- (ix) one of the Vice-Chancellors/Directors General of any of the Universities located in Gujarat, to be nominated by the State Government;
- (x) three members from amongst persons who have worked in the State/Central Police Department/Organization or Military/Para Military Forces or from amongst persons connected with the training of State or Central Police Force or Military or Para Military Forces, to be nominated by the State Government.

(2) The Registrar shall be the Secretary of the Board.

Powers of Chairman of Board. 13. (1) The Chairman shall preside at the meetings of the Board and at the convocation of the University.

(2) The Chairman shall exercise such other powers and perform such other functions as may be assigned to him by or under this Act or the regulations.

Powers and function of Board. 14. (1) Subject to the provisions of this Act, the Board shall be responsible for the general superintendence, direction and the control of affairs of the University and shall exercise all the powers of the University, and shall have the power to review the acts of the Academic Council and the Finance Committee and other committees or authorities of the University.

(2) Without prejudice to the provisions of sub-section (1), the Board shall have the following powers and functions, namely:-

- (i) to take decisions on question of policy relating to the administration and working of the University;
- (ii) to institute courses of study at the University;
- (iii) to make regulations;
- (iv) to consider and approve the annual report and the annual budget of the University for every financial year;
- (v) to invest moneys and funds of the University and to take decisions on the recommendations of the Finance Committee;
- (vi) to publish or finance the publication of studies, treatises, books, periodicals, reports and other literature from time to time and to sell or arrange for the sale as it may deem fit;
- (vii) to create or abolish posts of teachers and officers and employees of the University;
- (viii) to appoint such committees as it considers necessary for the exercise of its powers and the performance of its duties under this Act;
- (ix) to appoint the Directors of the University;
- (x) to delegate any of its power to the Director General, Deputy Director General, Directors, Deans, Registrar or any other officer,

employee or any authority of the University or to a committee appointed by it; and

- (xi) to exercise such other powers and perform such other functions as may be conferred or imposed upon it by or under this Act or the regulations, and such other powers for achieving the objects of the University.

15. (1) Save as otherwise provided in this section, the term of a nominated member of the Board shall be three years from the date of his nomination.

Term of office and vacancies among members of Board.

(2) An *ex-officio* member shall continue so long as he holds the office by virtue of which he is the member of the Board.

(3) Any vacancy in the Board, of a member other than *ex-officio* member occurring before the expiry of the prescribed period shall be filled in the same manner as provided in section 12 and such a member shall hold office for the remainder of the term of the member in whose place he is nominated.

(4) A member shall be eligible for re-nomination for the next term.

(5) A member may resign from his office by writing under his hand addressed to the Chairman and his resignation shall take effect from the date it is accepted by the Chairman.

16. (1) The Academic Council of the University shall consist of the following members, namely:-

Academic Council.

- (i) the Director General, who shall be the Chairman of the Academic Council;
- (ii) the Deputy Director General;
- (iii) two academicians or professionals, to be nominated by the State Government;

- (iv) two academicians or professionals connected with the service or training of police, military or paramilitary forces, to be nominated by the State Government;
- (v) the Director of Research and Development;
- (vi) the Directors;
- (vii) one professor from each discipline of the University, by rotation, to be nominated by the Director General.

(2) The Registrar shall be the Secretary of the Academic Council.

(3) The term of office of the members nominated under clauses (iii), (iv) and (vii) of sub-section (1) shall be three years.

**Powers and
functions of
Academic
Council.**

17. Subject to the provisions of this Act and the regulations, the Academic Council of the University shall exercise the following powers and perform following functions, namely:-

- (i) to exercise control over the academic policies of the University and be responsible for the maintenance and improvement of standards of instruction, education and evaluation in the University;
- (ii) to consider matters of general academic interest either on its own initiative or on a reference from the faculty of the University or the Board and to take appropriate action thereon;
- (iii) to recommend to the Board, such regulations as are consistent with this Act regarding the academic functioning of the University including discipline of students; and
- (iv) to exercise such other powers and perform such other duties as may be conferred or imposed upon it by the regulations.

**Finance
Committee.**

18. (1) The Finance Committee shall consist of the following members, namely:-

- (i) the Director General, who shall be the Chairman of the Committee;
- (ii) the Deputy Director General;
- (iii) the Director of Research and Development;

- (iv) two members of the Board (one of them shall be a Government nominee on the Board) to be nominated by the Board.
 - (v) the Directors;
 - (vi) one expert in the field of finance, to be nominated by the State Government;
 - (vii) one professor, by rotation, to be nominated by the Board.
- (2) The Registrar shall be the Secretary of the Committee.
- (3) The term of office of the members nominated under clauses (iv), (vi) and (vii) shall be three years.

19. Subject to the other provisions of this Act, the Finance Committee shall exercise the following powers and perform the following functions, namely:-

**Powers and
functions of
Finance
Committee.**

- (i) to examine the annual accounts and annual budget estimates of the University and to advise the Board thereon;
- (ii) to review from time to time the financial position of the University;
- (iii) to make recommendations to the Board on all financial policy matters of the University;
- (iv) to make recommendations to the Board on all proposals involving raising of funds, receipts and expenditure;
- (v) to provide guidelines for investment of surplus funds;
- (vi) to make recommendations to the Board on all proposals involving expenditure for which no provision has been made in the budget or for which expenditure in excess of the amount provided in the budget needs to be incurred;
- (vii) to examine all proposals relating to the revision of pay-scales, upgradation of the scales and those items which are not included in the budget prior to placing before the Board; and
- (viii) to exercise such other powers and perform such other functions as may be conferred or imposed upon it by the regulations.

Deputy
Director
General.

20. (1) The Deputy Director General of the University shall be appointed by the State Government by deputation or by transfer from amongst serving police officers of Gujarat, not below the rank of the Inspector General of Police.

(2) The Deputy Director General shall:

- (i) be principal coordinating officer of the University and exercise such powers and perform such duties as may be entrusted by general or special order by the Director General.
- (ii) in absence of the Director General, or in the event of his being unable to perform the duties of his office, discharge all the functions and duties of the Director General.
- (iii) preside over, in absence of the Director General, the meetings of Academic Council, Finance Committee and such other authorities.

Director of
Research and
Development.

21. (1) The Director of Research and Development shall be appointed by the Director General with the approval of the Board.

(2) He shall be a renowned researcher having out-standing published research work in reputed National or International Journals.

(3) The qualifications and other terms and conditions of service of the Director of Research and Development shall be such as may be prescribed by the regulations.

(4) He shall assist the Director General in managing the research and development related academic, administrative and other affairs of the institute.

(5) He shall exercise such powers and perform such functions as may be prescribed or entrusted to him by the Director General.

Registrar.

22. (1) The Registrar shall be appointed by the University in such manner and on such terms and conditions as may be prescribed.

(2) The Registrar shall exercise the following powers and perform the following duties, namely:-

- (i) he shall be responsible for the custody of records, common seal, the funds of the University and such other property of the University;
- (ii) he shall place before the Board and other authorities of the University, all such information and documents as may be necessary for transaction of its business;
- (iii) he shall be responsible to the Director General for the proper discharge of his functions;
- (iv) he shall be responsible for the administration of the University and conduct the examinations and make all other arrangements necessary thereof and be responsible for the execution of all processes connected therewith;
- (v) he shall attest and execute all documents on behalf of the University;
- (vi) he shall verify and sign the pleadings in all suits and other legal proceedings by or against the University and all processes in such suits and proceedings shall be issued to and served on the Registrar; and he shall exercise such other powers and perform such other duties as may be assigned to him by or under this Act, the regulations or as may be delegated to him by the Board or the Director General.

23. (1) The Directors of the institutes shall be appointed by the Director General with the approval of the Board in such manner and on such terms and conditions as may be prescribed. Directors.

(2) The Directors shall assist the Director General in managing the academic, administrative and other affairs of the institutes and shall exercise such powers and perform such functions as may be prescribed or entrusted to them by the Director General.

24. (1) The Deans shall be appointed by the Director General from Deans. amongst the faculties of the University.

(2) The Deans shall assist the Director General and respective Directors of the institutes or centres in managing the academic and other affairs of the University and shall exercise such powers and perform such functions as may be prescribed or entrusted to them by the Director General and the Director.

CHAPTER IV FINANCE

Permanent Endowment Fund of University. 25. The State Government shall place funds at the disposal of the University to be called the Permanent Endowment Fund of sum of twenty crores of rupees or such sum, required for meeting the full operational expenditure of the University, whichever is more, for a period of five years in the form of long term interest bearing securities issued or guaranteed by the Central Government or the State Government.

Payment by State Government to University. 26. The Government shall pay to the University from time to time such sums of money and in such manner as may be considered necessary for the exercise of powers and discharge of its functions by the University by or under this Act.

Fund of University. 27. (1) The University shall establish a fund to be called the 'University Fund' consisting of,-
(i) any contribution or grants or loans by the State Government and the Central Government;
(ii) the income of the University from all sources including income from fees and charges;
(iii) the moneys received by the University by way of grants, loans, gifts, donations, benefactions, bequests or transfer endowments and other grants, if any;

- (iv) the moneys received by the University from the collaborating industries in terms of the provisions of the Memorandum of Understanding entered between the University and the Industry, for establishment of sponsored chairs, fellowships or infrastructure facilities of the University; and
- (v) the moneys received by the University in any other manner or from any other source.

(2) All funds of the University shall be deposited in such banks or invested in such manner as the Board may decide on the recommendation of the Finance Committee.

(3) The funds of the University shall be applied towards the expenses of the University including expenses incurred in the exercise of its powers and discharge of its functions by or under this Act.

28. (1) The University shall maintain proper accounts and other relevant records and prepare an Annual Statement of Accounts, including the income and expenditure account and the balance sheet, in such form and in such manner as may be prescribed.

Accounts
and audit.

(2) The University shall adopt a proper system of internal checks and balances and control in the discharge of its financial, accounting and auditing functions as may be prescribed by the Regulations;.

(3) The accounts of the University shall be audited every year by an Auditor, who shall be a Chartered Accountant as defined in the Chartered Accountant Act, 1949 or a firm of Chartered Accountants, to be appointed by the Board.

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of 1949.

(4) The accounts of the University certified by the person or firm so appointed or any other persons authorized in this behalf together with the audit report thereon shall be placed before the Board and the Board may issue such instructions to the University in respect thereof as it deems fit and the University shall comply with such instructions.

(5) The accounts of the University shall be audited by an internal auditor who shall be a Chartered Accountant or a firm of Chartered Accountants appointed by the Board to ensure concurrent audit of all books of accounts and such periodic internal audit reports shall be placed before the Board for review.

(6) The University shall prepare for each year an annual report of its activities of the previous year containing such particulars as the Board may specify and submit the same in the form of annual report to the Board on or before such date as may be prescribed, for review and approval.

(7) The copy of the annual report and annual audit report along with the resolution of the Board thereon shall be submitted to the State Government and it shall be laid, as soon as may be after it is received, before the State Legislature.

Pension,
Insurance
and
Provident
Fund.

29. (1) The University shall, with the approval of the Board, constitute for the benefit of its officers, teachers and other employees in such manner and subject to such conditions as may be prescribed, such schemes of pension, provident fund and insurance as it may deem fit and also aid in establishment and support of the associations, institutions, funds, trusts and conveyance calculated to the benefit of the officers, teachers, employees of the University.

(2) Where any such provident fund has been constituted, the provisions of the Provident Funds Act, 1925 shall apply to such fund as if it were a Government 19 of 1925. Provident Fund.

CHAPTER V SUPPLEMENTARY PROVISIONS

Acts and
proceedings
not to be
invalidated
by vacancies.

30. No act or proceeding of the Board or any authority of the University or any committee constituted under this Act or by regulations shall be invalidated on the ground merely of the existence of any vacancy in or defect of, in the constitution of such Board, authority or committee of the University.

31. Notwithstanding anything contained in any other State law for the time being in force, the University shall have powers to confer degrees, diplomas and grant certificates and confer honorary degrees and other academic distinctions and titles as approved by the Board.

Conferment of degrees, diplomas and grant of certificates by University.

32. The University shall furnish to the State Government, University Grants Commission and other statutory authorities, such reports, returns, statements and other information as may be required by them from time to time.

Returns and information

45 of 1960. 33. Every officer, teacher and employee of the University shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Officers and employees to be public servants.

Explanation:- — For the purpose of this section, any person, who is appointed by the University for a specified period or a specified work of the University or who received any remuneration by way of allowances or fees for any work done from the University fund, shall be deemed to be an officer or employee of the University while he is performing the duties and functions connected with such appointment or work.

34. (1) No officers or employees or members of the teaching, non-teaching and other academic staff of the University shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

Dismissal, removal, reduction or termination of services of staff of University.

(2) An appeal against an order of dismissal, removal or reduction in rank under sub-section (1) or of termination of service shall be made to the Director General within ninety days from the date of communication of such order and the decision of the Director General in such appeal shall be final.

35. The State Government shall have powers to issue directions from time to time as may be required for compliance of the provisions of this Act, the

Powers of State Government to give directions.

regulation made thereunder and any other law for the time being in force and the University shall be bound to comply with such direction.

**Powers to
make
Regulations.**

36. (1) Subject to the provisions of this Act, the Board shall have in addition to all other powers vested in it, the power to make regulations to provide for the administration and management of the affairs of the University.

(2) In particular and without prejudice to the generality of the foregoing powers, such regulations may provide for all or any of the following matters, namely:-

- (i) the summoning and holding of meetings of the authorities of the University, other than the first meeting of the Board and the quorum and conduct of business at such meeting;
- (ii) the powers and functions to be exercised and discharged by the Director General;
- (iii) the constitution, powers and duties of the authorities, bodies and other committees of the University, the qualifications and disqualifications for membership of such authorities, terms of office of the membership, appointment and removal of member thereof and other matters connected therewith;
- (iv) the procedure to be followed by the Board and any committee or other body constituted by or under this Act or by the regulation in the conduct of the business, exercise of the powers and discharge of the functions;
- (v) the procedure and criteria to be followed in establishing courses of study and admission of students;
- (vi) the procedure to be followed for enforcing discipline in the University;
- (vii) the management of the properties of the University;
- (viii) the degrees, diplomas, certificates, and other academic distinctions and titles which may be conferred or granted by the University and

withdrawal or cancellation of any such degree, diplomas, certificates and other academic distinctions and titles and the requirements thereof;

- (ix) the conduct of examinations including the term of office and appointment of examiners;
- (x) the creation of posts of Directors, Professors, Associate Professors, Assistant Professors, Readers, Lecturers or equivalent academic designations or posts, officers and employees of the University, and the appointment of persons to such posts including the requisite qualifications thereof;
- (xi) the fees and other charges to be paid to the University for the courses, training, facilities and services provided by it;
- (xii) the manner and conditions for constitution of insurance, pension and provident funds and such other schemes for the benefits of officers, teachers and employees of the University;
- (xiii) the terms and conditions for association of the University with other institutions;
- (xiv) the preparation of budget estimates and maintenance of accounts;
- (xv) the mode of execution of contracts or agreements by or on behalf of the University;
- (xvi) the classification and procedure for appointment of officers, employees and other staff of the University;
- (xvii) the terms and conditions and tenure of appointment, salaries and allowances, contractual services, rules of discipline and other conditions of service of the Director of Research and Development, Director, other officers, teachers and employees of the University;
- (xviii) the terms and conditions governing deputation of teachers, officers and employees of the University;
- (xix) the powers and duties of the Director of Research and Development, Directors and other officers, teachers and employees of the University;

- (xx) the terms and conditions governing fellowships, scholarships, stipends, medals and prizes;
- (xxi) the authentication of the orders and the decisions of the Board;
- (xxii) the matters relating to hostels and halls of residence and housing for faculties, officers and employees and guest house including disciplinary control therein; and
- (xxiii) all other matters which by this Act are to be or may be prescribed.

**Appointment
of First
Registrar.**

37. Notwithstanding anything contained in section 22, the first Registrar shall be appointed by the State Government as soon as practicable after the commencement of the Act for a period not exceeding three years and on such conditions as the State Government thinks fit.

**Transitory
provisions.**

38. Notwithstanding anything contained in this Act, the Director General may, with the prior approval of the Board and subject to availability of the funds, discharge all or any of the functions of the University for the purpose of carrying out the provisions of this Act and the regulations and for that purpose, may exercise any power or perform any duty which by or under this Act and regulations are to be exercised or performed by any authority of the University until such authority comes into existence in accordance with the provisions of this Act and the Regulations.

Indemnity.

39. No suit, prosecution or other legal proceedings shall lie against and no damage shall be claimed from the University, the Director General, the Directors, the authorities or officers or employees of the University or any other person in respect of anything which is done in good faith or purporting to be done in pursuance of this Act or any regulations made thereunder.

**Power of
State
Government
to remove
difficulties.**

40. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act, as may appear to be

necessary for removing difficulties:

Provided that no such order shall be made under this section after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before the State Legislature.

STATEMENT OF OBJECTS AND REASONS

Police and security Administration is vital for maintenance of law and order and ensuring peace and harmony in the society. The need of the time is to provide efficient, trained and professional manpower to meet the demand of police and other security forces. The State Government has therefore decided to establish a Raksha Shakti University for preparing youths of the State for meeting the requirement of the security forces.

It is considered necessary to provide unique opportunity to the youths of the State to build their career in police and other security forces by establishing the proposed University. At the same time the police and other security forces would also be benefited by recruiting such trained expert manpower. In addition to this, it is desirable to train and prepare manpower to tackle the up coming challenges from various types of offences such as terrorism, economic offences, cyber crime, telecommunication offences and the offences requiring expertise in Forensic science. To make available such type of expert manpower, it is considered necessary to establish the proposed Raksha Shakti University.

The proposed Raksha Shakti University will be unique of its kind in our country and Gujarat will once again take the lead in this direction. The University will conduct degree, diploma and 'in service' courses. The University will also undertake capacity building courses with the help of modern technology for managing issues related to internal security, terrorism, organized crimes, cyber crimes, economic offences and crimes related to juveniles.

The University, by way of providing efficient persons for security forces, will help the Government to enhance the security and safety of the people in the Country. At the same time the University will undertake research work in various fields of police administration and security management.

It is, therefore considered necessary to establish the Raksha Shakti University in the State by enacting a law.

The Bill seeks to achieve the aforesaid objects.

The following notes on clauses explain, in brief, some of the important provisions of the Bill:-

Clause 1 . - This clause provides for short title and commencement.

Clause 2 . - This clause defines certain terms used in the Bill.

Clauses 3 and 5 . - These clauses provide for establishment, incorporation and objects of the University.

Clause 7 . - This clause provides for powers and functions of the University.

Clauses 8 and 9 . - These clauses provide for the appointment, powers and duties of the Director General of the University.

Clauses 10 and 11 . - These clauses provide for authorities and officers of the University.

Clauses 12 to 15 . - These clauses provide for the constitution of Board of Governors, powers of the Chairman of Board, powers and functions of the Board and term of office of members of the Board.

Clauses 16 and 17 . - These clauses provide for the constitution and powers and functions of the Academic Council.

Clauses 18 and 19 . - These clauses provide for the constitution and powers and functions of the Finance Committee.

Clause 20 . - This clause provides for the appointment, powers and functions of the Deputy Director General of the University.

Clause 21 . - This clause provides for the appointment, powers and functions of the Director of Research and Development of the University.

Clause 22 . - This clause provides for the appointment, powers and functions of the Registrar of the University.

Clause 23 . - This clause provides for the appointment, powers and functions of the Directors.

Clauses 24 . - This clause provides for the appointment, powers and functions of the Deans of the University.

Clauses 25 and 26. - These clauses provide for the Permanent Endowment Fund of the University and payment to the University.

Clause 27. - This clause provides for the funds of the University.

Clause 28. - This clause provides for accounts and audit of the University.

Clause 29. - This clause provides for Pension, Provident Funds and Insurance of officers, teachers and other employees of the University.

Clause 31. - This clause provides for the conferment of the degrees and diplomas and grant of certificates by the University.

Clause 32. - This clause provides for the returns and information to be furnished to the State Government, University Grants Commission and other statutory authorities by the University.

Clause 33. - This clause provides that the officers and employees of the University shall be public servants

Clause 34. - This clause provides for dismissal, removal, reduction and termination of service of staff of the University.

Clause 35. - This clause provides for the powers of the State Government to give directions to the University.

Clauses 36 to 40. - These clauses provide for making of regulations by the Board, transitory provisions, usual indemnity and power of the State Government to remove difficulties.

AMIT SHAH,

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment and incorporation of the Raksha Shakti University.

Clauses 8, 20, 21, 22, 23 and 24 of the Bill provide for the appointment of the Director General, Deputy Director General, Registrar, Director of Research and Development, Directors, Deans and teachers and other staff of the University.

Clause 25 of the Bill provides for Permanent Endowment Fund of the

University. The State Government shall place Rs. Twenty crores or such sum as required for meeting the operational expenditure of the University.

Clause 26 of the Bill provides for payment of such sums and moneys by the State Government as may be required for the discharge of functions by the University.

The Bill, if enacted and brought into operation, would involve an estimated expenditure from the Consolidated Fund of the State, in the forthcoming **three years** under Plan (i.e. 2009-10 to 2011-12) as under:-

1.	Capital Expenditure	Rs.100 crores
2.	Recurring Expenditure	Rs. 30 crores.
3.	Corpus Fund	Rs. 20 crores
	Total	Rs. 150 crores

This includes expenditure on construction of building, procurement of equipments, furniture, fixtures, vehicles, etc. as capital expenditure and recurring expenditure in the form of salary of the staff, consumables, etc.

AMIT SHAH,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves the delegation of legislative powers in the following respects:-

Clause 1.- Sub-clause (2) of this clause empowers the State Government to appoint by notification in the *Official Gazette*, the date on which the Act shall come into force.

Clause 4.- This clause empowers the State Government to notify the place as the headquarters of the University.

Clause 5.- Sub-clause (xi) of this clause empowers the State Government to specify by notification in the *Official Gazette* such other objects of the University.

Clause 7.- (i) Sub-clause (iii) of this clause empowers the Board to prescribe by regulations, the course of study and the curricula;

(ii) sub-clause (iv) of this clause empowers the Board to determine by regulations, the conditions subject to which the University may confer degrees and diplomas and to grant certificates and other academic distinctions of titles; It also empowers the Board to prescribe by regulations the manner in which the University may withdraw or cancel any such degree, diploma or certificate conferred or granted by it;

(iii) sub-clause (v) empowers the Board to prescribe by regulations, the manner in which the University may confer honorary degrees or other academic distinctions;

(iv) sub-clause (xvii) empowers the Board to prescribe by regulations to fix the fees and such other charges;

(v) sub-clause (xxv) empowers the Board to prescribe by regulations, the manner in which the students shall be admitted to the courses offered by the University;

(vi) sub-clause (xxvii) empowers the Board to prescribe by regulations, the disciplinary measures to be taken against the officers and the employees of the University;

(vii) sub-clause (xxviii) empowers the Board to prescribe by regulations, the qualifications for appointment of the persons on the post of teaching, academic or research and other post of the University.

Clause 8.- Sub-clause (4) of this clause empowers the State Government to determine other terms and conditions of the Director General.

Clause 10.—Sub-clause (iv) of this clause empowers the Board to declare by regulations, such other authorities to be the authorities of the University.

Clause 11.—Sub-clause (vii) of this clause empowers the Board to declare by regulations, such other persons to be the officers of the University.

Clause 13.— Sub-clause (2) of this clause empowers the Board to prescribe by regulations, such other powers to be exercised and such other duties to be performed by the Chairman.

Clause 14.— This clause empowers the Board to make regulations for carrying out the purposes of the Act;

Clause 17.— Sub-clause (iv) of this clause empowers Board to prescribe by regulations, such other powers to be exercised and such other duties to be performed by the Academic Council.

Clause 19.— Sub-clause (viii) of this clause empowers the Board to prescribe by regulations, such other powers to be exercised and such other duties to be performed by the Finance Committee.

Clause 21.— (i) Sub-clause (3) of this clause empowers the Board to prescribe by regulations other terms and conditions of service of the Director of Research and Development;

(ii) sub-clause (5) of this clause empowers the Board to prescribe by regulations, such other powers to be exercised and such other functions to be performed by the Director of Research and Development.

Clause 22.— Sub-clause (1) of this clause empowers the State Government to prescribe by rules the manner and the terms and conditions for the appointment of the Registrar.

Clause 23.— (i) Sub-clause (1) of this clause empowers the Board to prescribe by regulations the manner and other terms and conditions for appointment of Directors.

(ii) sub-clause (2) of this clause empowers the Board to prescribe by

regulations, such other powers to be exercised and such other functions to be performed by the Directors.

Clause 24.- Sub-clause (2) of this clause empowers the Board to prescribe by regulations, such other powers to be exercised and such other functions to be performed by the Deans.

Clause 28.- (i) Sub-clause (1) of this clause empowers the Board to prescribe by regulations and the manner in which, the form in which proper accounts, other relevant records, annual statement of accounts, the income and expenditure account and balance sheet shall be maintained;

(ii) sub-clause (2) empowers the Board to prescribe by regulations, proper systems of internal checks and balances in discharge of financial, accounting and auditing functions of the University.

Clause 29.- Sub-clause (1) of this clause empowers the Board to prescribe by regulations, the manner in which and the conditions subject to which the University shall constitute such schemes of pension, provident fund and insurance for the officers and employees of the University.

Clause 35.- This clause empowers the State Government to issue directions to the University, as may be required for compliance of the provisions of the Act, the regulations and under any other law.

Clause 36.- (i) Sub-clause (1) of this clause empowers the Board to make regulations for the administration and management of the affairs of the University;

Clause 40.- This clause empowers the State Government to make the provisions by order published in the *Official Gazette*, to remove any difficulty arising within two years of commencement of this Act.

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Gandhinagar,
Dated the 15th July, 2009.

AMIT SHAH.

By order and in the name of the Governor of Gujarat,

Gandhinagar
Dated the 15th July, 2009.

H. D. VYAS,
Secretary to the Government of Gujarat,
Legislative and Parliamentary
Affairs Department.



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The Gujarat Government Gazette

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation

PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT ENTERTAINMENTS TAX (AMENDMENT) BILL, 2009.

GUJARAT BILL NO. 17 OF 2009.

A BILL

further to amend the Gujarat Entertainments Tax Act, 1977.

It is hereby enacted in the Sixtieth Year of Republic of India as follows :-

1. (1) This Act may be called the Gujarat Entertainments Tax (Amendment) Act, 2009. **Short title and commencement.**

(2) It shall come into force on the 1st August, 2009.

Amendment of
section 2 of Guj.
16 of 1977.

2. In the Gujarat Entertainments Tax Act, 1977 (hereinafter referred to as "the principal Act"), in section 2, -

Guj. 16 of 1977.

(1) after clause (d), the following clause shall be inserted, namely :-

"(dd) "Direct-To-Home (DTH) Broadcasting Service" means a system of distribution of multi-channel television programmes in Ku Band by using a Satellite system, by providing television signals direct to the subscriber's premises without passing through an intermediary such as cable operator.

Explanation.- For the purpose of this clause and clause (g), "Ku Band" ordinarily means the 11.7 - 12.7 Ghz (Gigahertz) frequency band which splits into two segments, viz. the first having the frequency of 11.7 - 12.7 Ghz, known as FSS (Fixed Satellite Service) and the other having the frequency of 12.2 - 12.7 Ghz, known as BSS (Broadcasting Satellite Service), or it may have such other band width as may be approved by the Government of India from time to time;"

(2) in clause (e) and in the *Explanation* thereunder, after the words "cable television", the words, brackets and letters "or Direct-To-Home (DTH) Broadcasting Service" shall be inserted;

(3) in clause (g), after sub-clause (vii), the following sub-clause shall be inserted, namely :-

"(viii) any payment made by a person to the proprietor of a Direct-To-Home (DTH) Broadcasting Service by way of contribution, subscription, installation charges or connection charges, or any other charges collected in any manner whatsoever for Direct-To-Home (DTH) Broadcasting Service with the aid of any type of set top box or any other instrument of like nature which connects television set at a residential or non-residential or any other place of connection-holder directly to the Satellite;"

(4) after clause (g), the following new clause shall be inserted, namely :-

"(gg) "place of entertainment" includes a house, building, tent or any other place where the books of account, ticket books and other relevant records pertaining to the entertainment or pertaining to the management of providing cable connections from any type of antenna or cable television or pertaining to the management of providing Direct-To-Home (DTH) Broadcasting Service are kept or are believed to have been kept;"

(5) in clause (j), after sub-clause (iii), the following sub-clause shall be inserted, namely :-

1 of 1956. “(iii-a) a company registered under the Companies Act, 1956, having
13 of 1885. license to provide Direct-To-Home (DTH) Broadcasting Service
17 of 1933. by the Government of India under section 4 of the Telegraph
Act, 1885 and the Wireless Telegraphy Act, 1933 or;”;

(6) after clause (j), the following clause shall be inserted, namely :-

“(jj) “set top box” means an apparatus connected to a television set at a residential or non- residential or any other place which receives encrypted television signals through dish antenna from satellite directly and provides decrypted television signals to the television set, which enables the viewers to tune into multi channel television programmes in Ku Band, on payment, by the connection-holder, of the charges collected in any manner whatsoever by the proprietor.”.

3. In the principal Act, in section 6C, -

**Amendment of
section 6C of
Guj. 16 of 1977.**

(1) in sub-section (1), after the words “cable television”, the words “or Direct-To-Home (DTH) Broadcasting Service” shall be inserted;

(2) after sub-section (2), the following sub-section shall be inserted, namely :-

“(2A) The provisions of sub-section (1) shall not be deemed to have been contravened if the proprietor having applied for such registration as provided in this section within three months from the date of the commencement of the Gujarat Entertainments Tax (Amendment) Act, 2009, carries on television exhibition with the aid of Director-To-Home (DTH) Broadcasting Service.”;

Guj.
2009. of

(3) in sub-section (3), after the words “cable television”, the words “or Direct-To-Home (DTH) Broadcasting Service” shall be inserted.

4. In the principal Act, after section 6D, the following section shall be inserted, namely :-

**Insertion of new
section 6E in
Guj. 16 of 1977.**

**Tax on
entertainment by
Direct-To-Home
(DTH)
Broadcasting
Service.**

“6E. (1) Notwithstanding anything contained in section 3, 4, 6, 6A or 6B or any other provisions of this Act, there shall be levied and paid, by the proprietor of every Direct-To-Home (DTH) Broadcasting Service, to the State Government, the entertainments tax, per television set which receives radio frequency signals for exhibition of films or moving pictures or series of pictures with the aid of a set top box or any other apparatus attached to it for securing transmission through Direct-To-Home (DTH) Broadcasting Service, a tax at the annual rate

of Rs.200 per television set for which such proprietor has provided Direct-To-Home (DTH) Broadcasting Service connection.

(2) Where the number of Direct-To-Home (DTH) connection holders increase in any month during the financial year, the proprietor shall be liable to pay the tax proportionately in the manner as may be prescribed.

(3) The tax leviable under this section shall be paid in advance in quarterly installment of one-fourth of the annual rate within such period and in such manner as may be prescribed.

Explanation.- For the purpose of this section, 'quarter' means a period of three months commencing on the 1st day of April, 1st day of July, 1st day of October or the 1st day of January of each year; and the term 'quarterly' shall be construed accordingly."

Amendment of
section 8 of Guj.
16 of 1977.

5. In the principal Act, in section 8, in sub-section (1), in clause (b), after the words "cable television", the words, brackets and letters "or Direct-To-Home (DTH) Broadcasting Service" shall be inserted.

Amendment of
section 9 of Guj.
16 of 1977.

6. In the principal Act, in section 9,

- (1) in sub-section (1), after the figure and letter "6B" occurring at two places, the word, figure and letter "or 6E" shall be inserted;
- (2) in sub-section (6), for the word, figures and letters "6A or 6B", the word, figures and letters "6A, 6B or 6E" shall be substituted;
- (3) in the marginal note, the word, figure and letter "or 6E" shall be added at the end.

Amendment of
section 23 of Guj.
16 of 1977.

7. In the principal Act, in section 23, in sub-section (1) after the words "cable television", the words "or with the Direct-To-Home (DTH) Broadcasting Service" shall be inserted.

Amendment of
section 31 of Guj.
16 of 1977.

8. In the principal Act, in section 31, in sub-section (2), in clause (ab), after the figure and letter "6B", the word, figure and letter "or 6E" shall be inserted.

STATEMENT OF OBJECTS AND REASONS

The Finance Minister in his Budget Speech in the Gujarat Legislative Assembly on the 30th June, 2009 has proposed to levy entertainment tax on Direct-To-Home (DTH) Broadcasting Service at the rate of rupees 200 per connection per year.

This Bill seeks to amend the Gujarat Entertainments Tax Act, 1977 with a view to giving effect to the proposal contained in the Budget Speech of the Finance Minister, so as to provide for levy of tax on entertainment by Direct-to-Home (DTH) Broadcasting Service.

JAYNARAYAN VYAS,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative powers in the following respects:-

Clause 3.- Sub-section (3) of section 6C proposed to be amended by sub-clause (3) of this clause empowers the State Government to prescribe by rules the term in which, the manner in which and the payment of fee on which the proprietor providing an entertainment with the aid of Direct-To-Home shall apply to the prescribed officer for obtaining Certificate of Registration.

Clause 4.— (i) Sub-section (2) of the new section 6E proposed to be inserted by this clause empowers the State Government to prescribe by rules, the manner in which the proprietor shall pay the tax in proportion to the increased number of DTH connection holders in any month during the financial year;

(ii) sub-section (3) of new section 6E empowers the State Government to prescribe by rules, the manner in which and the period within which the quarterly installment of the one-fourth of the annual rate of tax shall be paid.

Clause 5.- Clause (b) of sub-section (1) of section 8 proposed to be amended by this clause empowers the State Government to prescribe by rules, the manner in which and the period within which the proprietor providing an entertainment with the aid of Direct-To-Home shall furnish returns relating to number of connection holders and payment of tax to the prescribed officer.

The delegation of legislative powers, as aforesaid, is necessary and is of a normal character.

Gandhinagar.
Dated the 16th July, 2009.

JAYNARAYAN VYAS.

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 16th July, 2009.

H.D.VYAS,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department

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PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT VALUE ADDED TAX (AMENDMENT) BILL, 2009.

GUJARAT BILL NO. 18 OF 2009.

A BILL

further to amend the Gujarat Value Added Tax Act, 2003.

It is hereby enacted in the Sixtieth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Value Added Tax (Amendment) Act, 2009. **Short title and commencement.**

(2) It shall come into force on the 1st August, 2009.

Amendment of section 29 of Guj. 1 of 2005. 2. In the Gujarat Value Added Tax Act, 2003 (hereinafter referred to as "the principal Act"), in section 29, in sub-section (5),-

- (i) for the words "a sum of rupees one hundred per month or part thereof for the default period", the words "such sum as may be prescribed but not exceeding rupees ten thousand per return" shall be substituted;
- (ii) for the words "The penalties specified", the words "The penalties prescribed" shall be substituted.

Amendment of section 34 of Guj. 1 of 2005. 3. In the principal Act, in section 34, in sub-section (7), for the words "equal to", the words "not exceeding" shall be substituted.

Amendment of section 59B of Guj. 1 of 2005. 4. In the principal Act, in section 59B, after sub-section (4), the following sub-sections shall be inserted, namely:-

- "(4A) Every person referred to in clause (a) or, as the case may be, clause (b) of sub-section (3) responsible for paying specified sale price, shall within the prescribed time limit apply in the Form as may be prescribed, to the Commissioner for allotment of a Tax Deduction Account Number (TDN). The Tax Deduction Account Number shall be quoted in such documents, statements and returns as may be prescribed.
- (4B) If the Commissioner is satisfied that a person who is liable to obtain Tax Deduction Account Number under sub-section (4A) has failed to obtain Tax Deduction Account Number without reasonable cause, he shall direct the person to pay, by way of penalty, a sum not exceeding rupees ten thousand after giving the person an opportunity of being heard."

Amendment of section 63 of Guj. 1 of 2005. 5. In the principal Act, in section 63, in sub-section (1), for the words "six months", the words "nine months" shall be substituted.

Amendment of Schedule II to Guj. 1 of 2005. 6. In the principal Act, in Schedule II, -

- (1) the entry at serial No. 9 shall be deleted;
- (2) the entry at serial No. 18 shall be deleted;
- (3) in the entry at serial No. 28A, for the sub-entry (i), the following sub-entry shall be substituted, namely:-

1.	2.	3.
"28A.	(i) Drugs, medicines and vaccines including bulk drugs but excluding- (a) food and dietary supplements including foods for special dietary uses, (b) cosmetics and toilet preparations including tooth paste, tooth powder, hair oil, face and body lotions and cream, soaps.	Four paise in the rupee";

(4) for the entry at serial No.45, the following entry shall be substituted, namely:-

1	2	3
"45.	IT products as may be specified by the State Government by notification in the <i>Official Gazette</i> .	Four paise in the rupee";

(5) in the entry at serial No. 61, the following *Explanation* shall be added at the end, namely:-

"Explanation.- For the removal of doubt it is clarified that the renewable energy devices and components and parts thereof do not include battery operated vehicle and equipments of any type."

7. In the principal Act, in Schedule III, in the entry at serial No.6, in column 2, after the words "Any other kind of motor spirit", the words "excluding natural gas and liquefied petroleum gas" shall be added.

**Amendment of
Schedule III to
Guj.1 of 2005.**

STATEMENT OF OBJECTS AND REASONS

The Gujarat Value Added Tax Act, 2003 has been implemented in the State since 1.4.2006. Amendments have been made in the said Act from time to time to remove difficulties arising in the implementation of the Act. However, the representations have further been received by the Government from traders and businessmen on some new issues. Also, some issues regarding tax rate on certain commodities have arisen which need to be clarified to protect revenue interests of the State Government and to offer a clear picture to the market. The State Government has, therefore, considered such representations and issues arising during the administration of the Act, and has decided to amend the Act to remove difficulties and to clarify certain issues.

Clause 2 of the Bill seeks to amend sub-section (5) of section 29 so as to increase the amount of penalty for the return defaults in order to reduce default of return by the dealers, and to ensure timely compliance for better tax administration.

Clause 3 of the Bill seeks to amend sub-section (7) of the section 34 so as to allow levy of penalty according to nature of offence instead of a fixed penalty as has been provided presently.

Clause 4 of the Bill seeks to insert new sub-section (4A) in section 59B so as to allot a Tax Deduction Account Number (TDN) to the person deducting the amount as tax in respect of specified works contract in accordance with the provisions of sub-section (3) of section 59B. It also seeks to insert new sub-section (4B) in section 59B so as to empower the Commissioner to penalize the person who fails to get such Tax Deduction Account Number.

Clause 5 of the Bill seeks to amend sub-section (1) of section 63 so as to extend the time limit for the submission of the audit report by a dealer as per section 63 of the Act from six months to nine months from the end of the year.

Sub-clause (1) of *clause 6* of the Bill seeks to delete the entry at serial No. 9 of Schedule II for brass parts so as to avoid possibility of inclusion of hardware and bathroom fittings in this entry.

Sub-clause (2) of *clause 6* of the Bill seeks to delete the entry at serial No. 18 of Schedule II as chemicals predominantly used as industrial inputs have been already covered under entry 42A of Schedule II.

Sub-clause (3) of *clause 6* of the Bill seeks to substitute the entry at serial No. 28A of Schedule II so as to explicitly exclude dietary and food supplements, and cosmetic and toilet preparations from this entry.

Sub-clause (4) of *clause 6* of the Bill seeks to substitute the entry at serial No. 45 of Schedule II so as to have a clear list of goods to be covered under the said entry. For this purpose, the goods intended to be covered under this entry will be specified separately by a Government Notification.

Sub-clause (5) of *clause 6* of the Bill seeks to amend the entry at serial No. 61 of Schedule II by putting an explanation so as to clarify that the battery operated vehicles and equipments are not covered under the said entry.

Clause 7 of the Bill seeks to amend the entry at serial No. 6 of Schedule III so as to avoid possibility of misclassification by inclusion of natural gas and liquefied petroleum gas in the said entry as the said goods are covered under entry at serial No. 87 of Schedule II.

The Bill seeks to amend the said Act to achieve the aforesaid objects.

VAJUBHAI VALA,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative powers in the following respects, namely:-

Clause 2.- Sub-section (5) of section 29 proposed to be amended by this clause empowers the State Government to prescribe by rules, the amount of penalty for the return default.

Clause 4.- Sub-section (4A) proposed to be inserted in section 59B by this clause empowers the State Government to prescribe by rules, the Form in which and the time limit within which every person shall apply for the Tax Deduction Account Number with reference to deduction of the amount as tax in respect of specified works contract in accordance with the provisions of sub-section (3) of section 59B and the manner in which such person shall submit the documents, statements and returns.

Clause 6. - The entry at serial No. 45 of Schedule II proposed to be substituted by sub-clause (4) of this clause empowers the State Government to specify by notification in the *Official Gazette*, IT products intended to be covered under the said entry.

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Gandhinagar,
Dated the 16th July, 2009.

VAJUBHAI VALA.

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 16th July, 2009.

H.D.VYAS,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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PART - V

Bills introduced in the Gujarat Legislative Assembly.

The following Bill Which was introduced on the 16th July, 2009 by Shri Pradipsinh Jadeja M.L.A. is Published under rule 127-A of the Gujarat Legislative Assembly Rules for general information.

THE GUJARAT STATE SPORTSMEN ENCOURAGEMENT BILL, 2009

Gujarat Bill No. 19 of 2009

A BILL

to provide assistance and encouragement to the leading sportsmen of the State and matters connected there with.

It is hereby enacted in the Sixtieth year of the republic of India as follows:

1. (1) This Act may be called the Gujarat State Sportsmen Encouragement Act, 2009 Short title, Extent and Commencement.
- (2) It extends to the whole of the State of Gujarat.
- (3) It shall come into force at once.
2. In this Act, unless the context otherwise requires :- Definition.
 - (a) "Prominent Sportsman or Promising Sportsman who has secured first, second and third place in any National or International level event of the Sports or Games.
 - (b) "Promising Sportsman" means a Sportsman who has secured first, second or third place in State level competition of the Sports or games

(c) "Sportsman" includes Sportswoman.

(d) "Government" means the Government of the state of Gujarat

- | | |
|---------------------------------|--|
| Free hostel Facility. | 3. Prominent Sportsman or Promising Sportsman may be provided free Lodging, Boarding and practice facility in the Sports Hostels established by the State Government. |
| Scholarship. | 4. Prominent Sportsman shall be given Scholarship of Rupees five thousand for the year in which he secured first, second or third place. |
| Facility. | 5. Prominent Sportsman and Promising Sportsman on application made in this behalf may be granted a loan without interest up to made on this behalf may be granted a loan without interest up to rupees ten thousand repayable in maximum fifty monthly installments. |
| Encouragement Amount. | 6. Prominent Sportsman or Promising Sportsman who is called for selection trial for any international sports meet may be granted a sum of rupees ten thousand as encouragement amount. |
| Special Assistance Award | 7. A Sportsman who has represented or selected for representing India in any international Sports meet may be granted a sum of Rupees 25,000/- as a special assistance award. |
| Free Residential plot. | 8. A Prominent Sportsman or Promising Sportsman shall be allotted free residential plot measuring 200 sq.m. at the place where he ordinarily resides. |
| Power to Make rules. | 9. (1) The State Government may make rules for carrying out purposes of this Act.

(2) In particular and without prejudice to the generality of foregoing power, such rules may be made to provide for all or any of the following matters, namely :-

(a) The authority by which and the manner in which free Lodging, Boarding and practice facility is to provided.

(b) Rules regulating the award to be given to Prominent Sportsman and Promising Sportsman.

(c) Rules regulating grant of loans, encouragement award and special assistance award.

(3) All rule made under this section shall be laid for not less than thirty days before the State Legislature as soon as may be after they are made and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following. |

STATEMENT OF OBJECTS AND REASONS.

Many promising and prominent sportsmen of the State of Gujarat are facing difficulties of finance. Such Sportsmen who are representing Gujarat State or India and earning glory for the State and National deserve encouragement as well as assistance from the State. The present facility like nominal scholarship is highly inadequate. No loan or scholarship is available to them. Adequate facility for practice, free lodging and boarding facility etc. Should be provided to the leading sportsmen. Government should help such sportsmen who earns glory for State and Nation and thereby put name of the State of Gujarat on the top of the medal tally of the National and International level sports meet.

Date : 6/7/2009
Gandhinagar

Pradipsinh Jadeja
M.L.A.

FINANCIAL MEMORANDUM

The Bill involves expenditure in the following respects :-

- (1) Clause 4 the Bill provides for granting of scholarship of Rs.5000/-to prominent sportsman
- (2) Clause 5 of the Bill provides for loan facility to both prominent as well as Promising Sportsman.
- (3) Clause 6 of the Bill provides for granting a sum of Rs. 10,000/- as an encouragement amount.
- (4) Clause 7 of the Bill provides for granting a sum of Rs. 25,000/- as a special assistance award.

These provision if enacted and brought into operation, would involve an estimated annual expenditure of about Rs.25,00,000/- from the Consolidate Fund of the State, which would of recurring nature.

Date: 6/7/2009
Gandhinagar

Pradipsinh Jadeja
M.L.A.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves delegation of legislative powers in the following respects:-

- Clause 9:-* (I) Sub-clause (1) of this clause empowers the State Government to make rules for carrying out the purposes of this Act.
- (II) Sub-clause (2) of this clause empowers the State Government to make rules in all or any of the following matters:-
- (a) the authority by which and the manner in which the free lodging, boarding and practice facilities to be provided;
 - (b) Regulating the award to be given to prominent sportsman and promising sportsman;
 - (C) Regulating grant of loans, encouragement amount and special assistance awards;

The delegation of legislative powers as aforesaid is necessary and is of normal character.

Date: 6/7/2009
Gandhinagar.

Pradipsinh Jadeja
M.L.A.

Gandhinagar
Dated the 16th July, 2009.

D. M. PATEL,
Secretary,
Gujarat Legislative Assembly.

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PART - V

Bills introduced in the Gujarat Legislative Assembly.

The following Bill Which was introduced on the 16th July, 2009 by Shri Shankarbhai Chaudhari M.L.A. is Published under rule 127A of the Gujarat Legislative Assembly rules for general information.

THE GUJARAT ADVERTISEMENT (PROHIBITION OF FALSE AND MISLEADING REPRESENTATION) BILL, 2009

Gujarat Bill No. 20 of 2009

A BILL

to prohibit false and misleading advertisements to promote sale of goods or articles in the State of Gujarat.

It is hereby enacted in the Sixtieth year of the republic of India as follows :-

Short title,
Extent and
Commencement.

- 1, (1) This Act may be called the Gujarat *advertisements (Prohibition of false and misleading representation)* Act, 2009
- (2) It extends to the whole of the State of Gujarat.
- (3) It shall come into force at once.

- Definitions. 2. In this Act, unless the context otherwise requires, "representation" means and includes :-

- (a) expression on an article offered or displayed for sale or its wrapper or container
- (b) expression on a label accompanying an article offered or displayed for sale,
- (c) advertisement in news-papers or magazines.

Prohibition
on false
representa-
tion.

3. No person shall, directly or indirectly with a View to promote any business interest, sale of goods or articles.
- (a) make a representation to the public which is false in material respect;
 - (b) make a representation to the public in the form of a statement or propaganda regarding quality of the article or goods offered for sale which cannot be tested but for which one has to rely only on the person making such representation;
 - (c) make a representation or promise to replace, maintain or repair an article, any part thereof or to continue service to achieve a specified result;
 - (d) make materially misleading representation to the public concerning the price at which a product or like products have been, are or will ordinarily be sold.

Offence.

4. Any action in contravention of the provisions contained in section 3, shall constitute a cognizable offence.

Punishment.

5. Any person found guilty of the offence under section 3 shall be punished with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

Rules.

- 6 (1) The State Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.
- (2) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as may be after they are made and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.
- (3) Any rescission or modification so made by the State Legislature shall be published in the Official Gazette and shall thereupon take effect.

STATEMENT OF OBJECTS AND REASONS.

There have been many cases of false and misleading advertisements to promote sale of goods or articles. It is estimated that about 50 % of the space in leading magazines is used in advertisements. It is now high time that publication of advertisements and representations should be regulated so as to prevent false, misleading fraudulent advertisements and representations.

Date: 7/7/2009
Gandhinagar

SHANKARBHAI CHAUDHARI
M.L.A.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the State Government to make Rules for carrying out the purpose of this Act,

The proposed delegation of legislative power is necessary and is of normal character.

Date: 7/7/2009
Gandhinagar

SHANKARBHAI CHAUDHARI
M.L.A.

Gandhinagar
Dated the 16th July, 2009.

D. M. PATEL,
Secretary,
Gujarat Legislative Assembly.



सत्यमेव जयते



The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. L]

MONDAY, JULY 20, 2009/ASADHA 29, 1931

Separate paging is given to this Part in order that it may be filed as a Separate Compilation

PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE CHILDREN'S UNIVERSITY BILL, 2009.

GUJARAT BILL NO. 21 OF 2009.

A BILL

to establish the Children's University for promoting children's education in the light of contemporary national and international needs of building up a new world that will harmonise the ideals of liberty, equality and fraternity, and to establish, conduct and promote progressive research and educational centres related to children's education as also to establish, conduct and promote, training and extension services that will foster high level care, education and health of the children of today and tomorrow and for the matters connected therewith or incidental thereto.

It is hereby enacted in the Sixtieth Year of the Republic of India as follows:-

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Children's University Act, 2009.
- (2) It extends to the whole of the State of Gujarat.
- (3) This section shall come into force at once and the remaining provisions shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Short title, extent
and
commencement.

Definitions. 2. In this Act, unless the context otherwise requires, --

- (a) "Academic Council" means the Academic Council of the University established under section 23.
- (b) "Collaboration" means collaborative academic activity of the University with other Universities, academic institutions (local, regional, national or international) and other research, educational, teaching, training institutions and organizations;
- (c) "Director-General" means the Director-General of the University appointed under section 15;
- (d) "Executive Council" means the Executive Council of the University constituted under section 21;
- (e) "Fee" means collection made by the University from the students for different purposes under different heads including tuition fee and development charges and the collection which is non-refundable;
- (f) "Finance Committee" means the Finance Committee of the University constituted under section 26;
- (g) "General Council" means the General Council of the University constituted under section 19;
- (h) "Institution" means an institution which is a part of the University or it is associated with and admitted to the privileges of the University;
- (i) "prescribed" means prescribed by Statutes or Ordinances or, as the case may be, Regulations made by or under this Act;
- (j) "Regulations" means the Regulations made under sub-section (5) of section 36;
- (k) "Research Council" means the Research Council of the University constituted under section 29;
- (l) "*Saptadhara*" activities shall include the activities of quest of knowledge, fine arts, performing arts, debate skills, communication services, physical education, Scouts and Guides, NCC, NSS and oratory skills, craft, and appreciation of craft as art, creative writing, poetry, etc.;
- (m) "School" means a school of learning and training maintained by or recognized, affiliated or approved as such by the University and includes *Vidya Niketan* School;
- (n) "Standing Committee" means the Standing Committee constituted under section 39.

- (o) "University" means the Children's University established and incorporated under section 3.

CHAPTER II

ESTABLISHMENT AND INCORPORATION OF UNIVERSITY

3. (1) There shall be established and incorporated a University by the name of the "Children's University".

**Establishment
and
incorporation
of University.**

(2) The Chancellor, the Vice-Chancellor, the Director General, and the members of the General Council, the Executive Council and the Academic Council, Assistant Director General, Registrar and all other persons who may hereafter become such officers so long as they continue to hold such office or membership, are hereby constitute a body corporate by the name of the "Children's University".

(3) The University shall be a body corporate by the name aforesaid, having perpetual succession and common seal with power, subject to the provisions of this Act, so acquire and hold property, to contract and shall, by the said name, sue and be sued.

(4) In all suites and other legal proceedings by or against the University, the pleading shall be signed and verified by the Registrar and all processes in such suits and proceedings shall be issued to, and served on, the Registrar.

4. The headquarters of the University shall be at Gandhinagar or at such other place, as the State Government may, by notification in the *Official Gazette*, specify.

**Headquarters
of
University.**

5. The objects of the University shall be as follows:-

**Objects of
University.**

- (1) to study and undertake research in the works of pioneering educationists of Gujarat, India as also of other parts of the world, who have underlined the need for child-centered holistic education so as to derive guidance from the same;
- (2) to promote the fundamental duties laid down in article 51A of the Constitution of India;
- (3) to foster in the University highest purposes of education of the body, life and mind as also of the human spirit in its integrality;
- (4) to promote synthesis of scientific realism and artistic creativity;
- (5) to recover the lights from lessons of ancient wisdom in the context of modern developments;

- (6) to establish facilities, programmes and activities of research, education, training and extension services that promote all levels of child's development, including at the primary and secondary levels of education;
- (7) to introduce and nurture innovations in the education system so as to reflect India's spiritual knowledge, robust intellectuality and inexhaustible creativity;
- (8) to study and derive lessons from the ongoing experiments of education that are taking place in Gujarat as also elsewhere and to foster all the valuable innovative work and promote the same for larger expansion and utilization.

**Powers and
functions of
University.**

6. The powers and functions of the University shall be as follows:-

- (1) to administer and manage the University and ensure efficient working of the centres, schools and institutions related to research, education, training and extension services for the furtherance of the objects of the University;
- (2) to regulate conduct and enforce discipline among the employees of the University and to take such measures as may be deemed necessary;
- (3) to prepare guidelines manuals and methodology for assessing and accrediting educational institutes and to determine paradigms for quality assurance, processes and mechanisms;
- (4) to establish, conduct and promote centres, such as-
 - (i) Centre of Research,
 - (ii) Centre of Education,
 - (iii) Centre of Training,
 - (iv) Centre of Extension Services, and
 - (v) such other centres and institutions as may be necessary and to provide for facilities, including those relating to a Centre of Paediatrics and pedagogy for scientific discoveries and inventions, pedagogy for fine arts, pedagogy for crafts, promotion of NSS and NCC, promotion of Scouts and Guides, multi-linguistic capacities (Gujarati, Sanskrit, French, English, Hindi, Tamil, Arabic, Spanish, etc.), development of curricular, co-curricular and extracurricular hobbies, puppetry, exhibitions, unending education, museum studies, library and film studios, etc.,
- (5) to grant recognition, affiliation and approval to schools or institutions in the State of Gujarat;
- (6) to confer and award degrees, diplomas, and certificates and provide for lectures, instruction and training for students including those of affiliated schools, recognized

- institutions and approved institutions as also for those under correspondence and continuing education courses;
- (7) to confer honorary degrees or other academic distinctions;
- (8) to develop academic relationship with *shishu-vatikas*, *bal-mandirs*, and primary and secondary schools which satisfy the need and standards of the University and to empower them to receive the benefits of the results of the work of the University, and gradually to the entire education system of the State;
- (9) to create in the University campus, as also elsewhere, schools to be called *Vidya Niketan* Schools for various stages of education which will embody and crystallise the results of the research conducted by the University or elsewhere, and to spread benefits of the work of these schools to the entire system of education in the State, and to provide training to teachers and prepare teaching-learning materials for this purpose for the benefit of the schools in the campus and also other schools in the State;
- (10) to set up, conduct and promote, under the responsibility of the Centre of Research, various councils for research in subjects, as the follows:-
- (i) synthesis of child-related knowledge-systems (Physical and medical);
 - (ii) synthesis of child-related knowledge-systems (Psychological and Cultural);
 - (iii) children's philosophy, children's psychology, children's science, children's technology;
 - (iv) children's rights, human rights, fundamental duties, ideal of human unity and futuristic visions;
 - (v) gifted children; physically and mentally challenged children;
 - (vi) national and international education;
 - (vii) multi-linguistic abilities in Indian and international languages;
 - (viii) children's literature and films; and
 - (ix) development of integral personality;
- (11) to set up, promote and conduct under the control and management of Centre of Research, several departments of research, instruction and communication in regard to themes, not so generic as those for the councils of research, but more specific and special as those of as pre-natal education, toddlers' education, kindergarten education, primary education and secondary education and to relevant stimulation for admiration for uplifting visions, sublime music, sublime forest life and beauty of nature, as also relevant as the synthesis to powers of creativity with those of scientific realism, etc.;
- (12) to set up, conduct and promote a Department of Research in testing and evaluation and to support the requirement of

creating a new system of testing services for the following purposes:-

- (i) removing from the students the fear of the examination so that tests are available by means of computer technology as and when the students are ready for the them, and even individually;
 - (ii) replacing the test of memory by the test of comprehension;
 - (iii) organising test for development of personality, sterling qualities of character, and value oriented and skill oriented development; and organising tests of physical fitness;
- (13) to establish, conduct and promote a centre of extension services;
- (14) to establish, conduct and promote a centre for continuing education and of telecasting programmes of social education throughout the State, which will stimulate all-round care of the child and child education formal, non-formal and informal, including methods of education, through visits to museums and organization of exhibitions, and publications of brochures, pamphlets, occasional papers and other materials for the promotion of themes of children's care and education;
- (15) to develop a programme of establishment and conduct of *Bal Bhavans* in cities, towns and even in groups of villages as also to develop an organization, such as "*Little Children's Theatre*" so as to promote dramatic activities for the Children of the State;
- (16) to undertake, organise and conduct educational programmes for selected, recognised and affiliated *Shishu Vatikas*, *Bal-Mandirs*, and primary and secondary schools which shall be known as *Vidya Niketan Schools*;
- (17) to undertake, organise and conduct programmes for the purposes of teacher's training who shall be engaged in the work of teaching in the *Vidya Niketan Schools* and in affiliated, recognised and approved schools, and to provide them a general programme of introduction to philosophy of children's University and to the philosophy of child-centred holistic education, as also elementary course related to the lessons of history, with special reference to Indian culture, its underlying spirituality, robust intellectuality and inexhaustible vitality as also to provide for the following:
- (i) specialised courses in nutrition, physical health and development of tender faculties of early childhood;
 - (ii) new pathways in educational programmes, related to different stages of education such as infant,

kindergarten, *angadwadis*, primary education, secondary education;

(iii) new pathways in the pedagogy of fine arts, crafts, vocational courses, physical education, development of hobbies, puppetry, children's drama, children's poetry, children's stories, children's music, children's dance, emerging new avenues of children's development, etc.;

(iv) in-service training programmes for candidates who wish to qualify to serve as *angadwadi* workers;

(18) to undertake, organise and conduct, under the Centre of Education, educational programmes for the University students engaged in research for M.Phil., Ph.D. and doctoral programmes relating to child education;

(19) to provide for instruction, extension, teaching and training in such branches or learning and course of study as the University may, from time to time, determine;

(20) to create posts of Executive Officers, Director-General, Director, Assistant Director-General, Professors, Associate Professors and Assistant Professors, and other members of academic and non-academic staff of equivalent responsibility, teaching or non-teaching academic posts of the University with the prior approval of the Executive Council and to prescribe the qualifications in accordance with the guidelines of the University Grants Commission or All India Council for Technical Education and other national statutory bodies and make appointments thereto; as well as to create non-teaching skilled, administrative, ministerial and other posts and to prescribe the qualifications and pay-scales with prior approval of the State Government and to make appointments thereto;

(21) to appoint or recognise persons working in any other University or organisation as adjunct professors, adjunct associate professors, adjunct assistant professors, visiting professors of the University for specified periods; and to facilitate mobility of academic members within the University and to other Universities;

(22) to designate a University centre or institution, to monitor, periodically inspect and evaluate the academic performance of various Centers, Schools and Institutions for ensuring proper standards of research, education, training, extension services, teaching and adequate library, laboratory, hostel and other academic facilities, in accordance with the guidelines, if any, laid down by the University Grants Commission or by the Executive Council;

(23) To make special provisions for the benefit of the University education to be made available to Socially and

Educationally Backward Classes and communities particularly from rural and tribal areas;

- (24) to supervise, control and regulate the conduct and discipline and periodical assessment of the performance of the students and employees;
- (25) to establish teachers' education and training institutions of innovative education and to provide for education and training for implementation of the educational innovations;
- (26) to endeavour to enrich the present system of education so as to make it more responsive to the ideals of Indian Nationalism and Internationalism;
- (27) to develop new system of education as supplementary or alternative to existing system of education;
- (28) to co-operate or collaborate with any other University including foreign Universities, institution, authority or organisation for research and advisory services to borrow funds for the purposes of the University on the security of the property of the University, subject to the prior approval of the State Government;
- (29) to borrow funds for the purposes of the University on the security of the property of the University, subject to the prior approval of the State Government;
- (30) to receive funds for collaboration programmes from foreign agencies subject to rules and regulations of the Central Government and State Government in that behalf;
- (31) to organise and undertake extra-mural teaching and extension services;
- (32) to fix, demand and receive fees and other charges;
- (33) to supervise, control and regulate admission of students;
- (34) to establish, organize, maintain, manage and supervise and control the functioning of centres, departments, institutions, generally, and in particular, laboratories, libraries, museums, computer centers and equipments;
- (35) to implement the national literacy and adult education programme through teachers and students on voluntary basis in the University system and to evolve measures to give due emphasis to the efforts and performance of the students in this area in addition to their normal academic performance, and also to evaluate the performance of the teachers in this area;
- (36) to hold and manage trusts and endowments and institute and award fellowships, scholarships, studentship, medals and prizes for teachers and students of the University;
- (37) to receive grants, subventions, subscriptions, donations and gifts for the purpose of the University and consistent with the objects for which the University is established and to allocate and disburse grants out of the fund to institutions and courses recognized by it for the purpose of developing them so as to promote children's education;

- (38) to consult and obtain concurrence of the various bodies in respect of recognition and accreditation granted by the statutory boards and Universities for the purpose of arriving at equivalence of the courses, programmes and evaluation system established by it with the existing standards of education; and
- (39) to do all such other acts and things as the University may consider necessary, conducive or incidental to the attainment or promotion of the objects of the University.

7. The University shall conduct its research programmes by employing various means as may be prescribed by the Statutes. **Modes of Research.**

8. The territorial jurisdiction of the University shall extend to the whole of the State of Gujarat. **Jurisdiction of University.**

9. (1) No person shall be excluded from any office of the University or from membership of any of its authorities or from admission to any degree, diploma or other academic distinction or course of study on the grounds only of religion, race, caste, sex, place of birth or political or other opinion: **University open to all irrespective of religion, race, caste, sex or opinion.**

Provided that the University may, subject to the previous sanction of the State Government, maintain, affiliate or recognize any college or institution exclusively for women either for education, instruction or residence, or reserve for women or members of classes and communities which are educationally backward, places for the purposes of admission as students in any college or institution maintained or controlled by the University.

(2) It shall not be lawful for the University to impose on any person any test whatsoever relating to religion, race, caste, sex or political or other opinion in order to entitle him to be admitted as a teacher or to hold any office in the University or to qualify for any degree, diploma or other academic distinction or to enjoy or exercise any privileges of the University or benefaction thereof.

CHAPTER III OFFICERS OF UNIVERSITY

10. The following shall be the officers of the University, namely:- **Officers of University.**

- (i) The Chancellor;
- (ii) The Vice-Chancellor;
- (iii) The Director-General;
- (iv) The Registrar;
- (v) The Finance and Accounts Officer; and
- (vi) such other officers as may be declared by the Statutes to be the officers of the University.

Chancellor.

11. (1) The Governor of Gujarat shall be the Chancellor of the University. He shall, by virtue of his office, be the head of the University.

(2) The Chancellor shall have the following powers and functions:-

(a) The Chancellor, when present, shall preside at the Convocation of the University and may issue direction to the Vice-Chancellor to convene the meeting of any authority of the University for specific purposes.

(b) The Chancellor, in the interests of the University, may direct the Standing Committee to look into the matter of disqualification of any member of the University, authority, body or committee, the conduct of any nominated or appointed or co-opted member if he thinks it is against the smooth functioning of the University.

Vice-Chancellor.

12. (1) The Vice-Chancellor shall be appointed by the State Government in consultation with the Chancellor in the manner stated hereunder:-

(2) (a) There shall be a Search Committee constituted by the State Government consisting of three members, to be nominated by the State Government to recommend suitable names, for appointment of Vice-Chancellor. The members of the Search Committee shall be from any one or more of the following categories, namely:-

- (i) an eminent educationist;
- (ii) a retired Judge of the High Court of Gujarat;
- (iii) a retired Chief Secretary/Additional Chief Secretary of the Government of Gujarat;
- (iv) former Vice-Chancellor of any University in the State of Gujarat;

The State Government shall nominate one of them as the Chairman of the Committee.

(b) The members nominated for the committee shall be the persons who are not connected with the University or any institution of the University.

(3) The committee appointed under sub-section (2) shall begin the process of recommending the panel of names for the appointment of the Vice-Chancellor, at least four months, before the probable date of occurrence of the vacancy of the post of the Vice-Chancellor and shall complete within the time limit as may be fixed by the Chancellor. The State Government may extend the time limit if in the exigency of the circumstances, it is necessary so to do:

Provided that the period so extended shall not exceed three months in the aggregate.

(4) The committee shall consider and recommend the names of persons who possess the following qualification for the post of Vice-Chancellor:

- (a) leadership in any field of children's education, care and development with the experience of having served in a University or children's institution for not less than ten years and is renowned for research or creative work as evidenced through publications or guidance provided to research students of a University or college or leadership provided to the field of humanities, science, fine-arts and crafts, technology, medicine, industry; or
- (b) leadership in the field of administration as evidenced through service of ten years' of experience as a Registrar in a University or as a Principal of a college or in a research academy or a Research Council under the State or the Central Government;

(5) The search committee shall recommend a panel of three suitable persons for the consideration of the Chancellor for being appointed as the Vice-Chancellor. The names shall be in alphabetical order without any preference being indicated. The report may be accompanied by a detailed write-up on suitability for each person included in the panel.

(6) The State Government shall, in consultation with the Chancellor, appoint one of the persons included in the panel referred to in sub-section (5) as the Vice-Chancellor of the University.

13. (1) The Vice-Chancellor shall hold office for a term of five years from the date he enters upon his office or till attaining the age of sixty-five years, whichever is earlier and shall not be eligible for re-appointment.

Terms and conditions of appointment of Vice-Chancellor.

(2) (a) During the leave or absence of the Vice-Chancellor, or

(b) in the event of a permanent vacancy in the office of the Vice-Chancellor, until an appointment is made under sub-section (1) of section 12 to that office,

the Director General of the University shall carry on the current duty of the office of the Vice-Chancellor.

(3) The Vice-Chancellor shall be a whole-time salaried officer of the University and his pay, allowances, emoluments and other terms and conditions of service shall be such as may be prescribed.

(4) The Vice-Chancellor may, by writing under his signature addressed to the Chancellor, after giving one month's notice, resign his office and such resignation shall take effect from the date of acceptance of his resignation by the Chancellor.

(5) The Vice-Chancellor may be removed from his office if the Chancellor in consultation with the State Government, is satisfied that the incumbent, -

- (a) has become insane and stands so declared by a competent court;
- (b) has been convicted by a court for any offence involving moral turpitude;
- (c) has become an undischarged insolvent and stands so declared by a competent court;
- (d) has been physically unfit and incapable of discharging functions due to protracted illness or physical disability;
- (e) has willfully omitted or refused to carry out the provisions of this Act or has committed breach of any of the terms and conditions of the service as prescribed by the State Government or has abused the powers vested in him or if the continuance of the Vice-Chancellor in the office is detrimental to the interests of the University;
- (f) is a member of, or be otherwise associated with, any political party or any organisation which takes part in politics, or is taking part in, or subscribing in aid of, any political movement or activity;

Provided that the Vice-Chancellor shall not be removed from his office unless an opportunity of being heard is given to him.

**Powers and
functions of
Vice-
Chancellor.**

14. (1) The Vice-Chancellor shall be the principal academic and executive officer of the University responsible for the efficient functioning and development of academic programmes of the University. He shall oversee and monitor the administration of the academic programmes and general administration of the University to ensure efficiency and good order of the University.

(2) He shall be entitled to be present, with the right to speak, at any meeting of any authority or body of the University, but shall not be entitled to vote thereat, unless he is the Chairman or member of that authority or body.

(3) It shall be the duty of the Vice-Chancellor to ensure that the directives of the State Government, if any, and the provisions of the Act, the Statutes, the Ordinances and the Regulations are strictly observed and that the decisions of the authorities, bodies and committees which are consistent with the Act, the Statutes, the Ordinances or the Regulations are properly implemented.

(4) The Vice-Chancellor may take suitable action in case of any emergency, in interests of the University:

Provided that, where any such action taken by the Vice-Chancellor affects any person in the service of the University, such person shall be entitled to prefer, within thirty days from the date on which he receives notice of such action, an appeal to the Executive Council.

(5) The Vice-Chancellor shall be the appointing and disciplinary authority for Director General, Registrar, Assistant Director General Finance and Accounts Officer, members of the academic staff of the University and officers of the University of the rank of Assistant Registrar and of the rank equivalent thereto and above.

(6) The Vice-Chancellor shall place before the Executive Council a report of the work of the University periodically.

(7) The Vice-Chancellor shall have the right to cause an inspection to be made by such person or persons or body of persons as he may direct, of the University, its buildings, laboratories, libraries, museums, workshops and equipments, hostels maintained or recognised by the University, and of any institution of the examinations, teachings and other work conducted by or on behalf of the University, and to cause an inquiry to be made in a like manner regarding any matter connected with the administration finance, and academic of the University.

(8) The Vice-Chancellor shall exercise such other powers and perform such other functions as may be prescribed by or under the Act.

15. (1) The Director General of the University shall be appointed by the Executive Council on the recommendation of the Standing Committee. The Director General shall be a person of eminence in academics, research, public service who shall have put in minimum twenty years of service in such areas.

Director
General.

(2) The salary, emoluments, other perks and allowances, the terms and conditions and the tenure of service of the Director General shall be such as may be prescribed by Statutes.

(3) The functions of the Director General shall be as follows, namely:-

(a) to organise and conduct, subject to the approval of the Executive Council, a major national or international conference at the suitable interval, preferably every two years, on any important theme related to the tasks of the University;

(b) shall assist the Vice-Chancellor in the task of co-ordination of the activities of the different centers and institutions of the University;

(c) shall carry out the following tasks:

(i) publications of the University including the research journal of the University;

(ii) supervision and monitoring of the schools or institutions affiliated, recognized and approved by the University;

- (iii) submit the report to the Vice-Chancellor of the degree of the efficiency of the extension services of the University and in accordance with the standards laid down by the Academic Council;
 - (iv) organize and ensure smooth functioning of innovative testing service of the University which will free the present examination system and ensure that students are genuinely tested not merely on the basis of written work but also on the basis of interview, supported by specially organized progressive report submitted by the students so as to provide insights into the value-oriented and skill-oriented development of the student as also student's physical fitness.
- (4) (a) There shall be not more than four Assistant Director General to assist the Director General in discharge of his duties and functions.
- (b) The Assistant Director General shall be appointed by the Executive Council on the recommendation of the standing committee.
- (c) The qualifications, salary, other perks and allowances, terms and conditions and tenure of service shall be such as may be prescribed by Statutes.

Registrar.

16. (1) The Registrar shall be appointed by the Vice-Chancellor on the recommendations of the standing committee constituted for the purpose.
- (2) The qualification, salary, emoluments, other perks and allowances and the terms and conditions of service of the Registrar shall be such as may be prescribed by Statutes.
- (3) The Registrar shall be a full-time salaried officer of the University and shall work directly under the superintendence, direction and control of the Vice-Chancellor.
- (4) Appointment of the Registrar shall be for a term of five years and he shall be eligible for re-appointment for further term of five years.
- (5) When the post of Registrar remains vacant for any reason or when the Registrar is, by reason of illness or absence or any other cause, unable to perform the duties of his office, the Vice-Chancellor shall appoint a senior officer of the University to officiate as the Registrar until the Registrar resumes duty.
- (6) The Registrar shall be the *ex-officio* Secretary of the General Council, Executive Council and Academic Council.
- (7) The Registrar shall be the appointing and the disciplinary authority of the employees of the University other than the teachers,

non-vacation academic staff and officers of the rank of Assistant Registrar and other officers holding posts equivalent thereto or above.

(8) Subject to the decision of the authorities of the University, the Registrar shall have the power to enter into agreements, sign documents and authenticate records on behalf of the University.

(9) The Registrar shall be the custodian of the records, the common seal and such other property of the University as the Executive Council may commit to his charge.

(10) The Registrar shall exercise such other powers and perform such other duties as prescribed by Statutes or assigned to him, from time to time, by the Vice-Chancellor.

17. (1) The Finance and Accounts Officer shall be appointed by the Vice-Chancellor in such manner and shall exercise such powers and perform such duties, as may be prescribed by Statutes.

Finance and
Accounts
Officer.

(2) The qualification, salary, allowances, emoluments, other perks and facilities and terms and conditions of service, the tenure of the Finance and Accounts Officer shall be such as may be prescribed by Statutes

(3) When the office of the Finance and Accounts Officer is vacant or when the Finance and Accounts Officer is, by reasons of illness, absence or any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(4) The Finance and Accounts Officer shall-

(a) exercise general supervision over the funds of the University and shall advise as regards its financial policy; and

(b) perform such other financial functions as may be assigned to him by the Executive Council.

CHAPTER IV

AUTHORITIES OF UNIVERSITY

18. The following shall be the authorities of the University, namely:-

Authorities of
University.

- (i) The General Council
- (ii) The Executive Council;
- (iii) The Academic Council;
- (iv) The Finance Committee; and
- (v) such other authorities of the University as may be declared by the Statutes, to be the authorities of the University.

19. (1) The General Council shall be the apex authority of the University.

General
Council.

(2) The General Council shall consist of the following members, namely:-

- (i) the Chancellor, who shall be the Chairperson of the General Council;
- (ii) the Vice-Chancellor;
- (iii) the Minister-in-charge of Education (Primary, Secondary, Adult), Higher and Technical Education, Gujarat State;
- (iv) the Minister-in-charge of Health and Family Welfare, Gujarat State;
- (v) the Minister-in-charge of Women and Child Welfare, Gujarat State;
- (vi) the Executive Chairperson, Gujarat Educational Innovations Commission;
- (vii) the Chairman, University Grants Commission or his nominee;
- (viii) the Chief Secretary, Government of Gujarat;
- (ix) the Secretary to the Government of Gujarat, Education Department or his nominee not below the rank of Deputy Secretary;
- (x) the members of Gujarat Educational Innovations Commission;
- (xi) the Secretary to the Government of Gujarat, Primary Education or his nominee not below the rank of Deputy Secretary;
- (xii) the Secretary to the Government of Gujarat, Women and Child Development Department or his nominee not below the rank of Deputy Secretary;
- (xiii) the Vice-Chancellor, Ayurved University, Jamnagar;
- (xiv) the Chairman, National Council for Teachers' Education or his nominee;
- (xv) the Commissioner of Higher Education, Gujarat State or his nominee not below the rank of Joint Director;
- (xvi) the Commissioner of Schools, Gujarat State or his nominee not below the rank of Joint Director;
- (xvii) the Commissioner of Health, Gujarat State or his nominee not below the rank of Joint Director;

- (xviii) the Director General;
- (xix) the Director, Gujarat Council of Educational Research and Training, Gandhinagar;
- (xx) the Chairman, Gujarat Secondary and Higher Secondary Education Board, Gandhinagar;
- (xxi) all directors of the University;
- (xxii) the Director-General, NCC Head Quarters, Ahmedabad;
- (xxiii) the Director of UNICEF, Office of Gujarat, Gandhinagar;
- (xxiv) the State Chief Commissioner, Gujarat State, Bharat Scouts and Guides;
- (xxv) the Professor and Head, Department of Human Development and Family Welfare, M.S. University of Baroda;
- (xxvi) the Professor and Head, Department of Pediatrics, Civil Hospital, Ahmedabad;
- (xxvii) two leaders of experimental or innovative Education to be nominated by the State Government;
- (xxviii) all members of Executive Council;
- (xxix) five persons to be nominated by the State Government, who shall include distinguished educationist, scholars, social workers or representatives of industry and professions;
- (xxx) the Registrar shall be the Member-Secretary of the General Council.

(3) The term of members other than the *ex-officio* members shall be five years.

(4) The General Council shall meet at least once during a calendar year.

(5) The quorum shall not be less than one-third of the total number of members of the General Council.

20. The General Council shall have the following powers and functions, namely:-

**Powers and
functions of
General
Council.**

- (1) to approve and endorse the University's strategic plan, calendar, and monitor the University's performance periodically;
- (2) to prepare and submit annual report to the State Government on the affairs of the University generally, and in particular on management of the University's resources;

- (3) to determine the academic awards, degrees, diplomas, certificates, concessions of fee, awards of Fellowships and Studentships to be offered by the University in consultation with the Academic Council; and
- (4) to exercise such other powers and perform such other functions as may be necessary for the efficient functioning of the University.

**Executive
Council.**

21. The Executive Council shall be the chief executive body of the University and shall consist of the following members, namely:-

- (i) the Vice-Chancellor, *ex-officio* Chairperson;
- (ii) the Secretary to the Government of Gujarat, Higher Education or his nominee not below the rank of Deputy Secretary;
- (iii) the Secretary to the Government of Gujarat, Finance Department or his nominee not below the rank of Deputy Secretary;
- (iv) the Commissioner of Higher Education, Gujarat State or his nominee not below the rank of Joint Director;
- (v) the Director General;
- (vi) two members of the Academic Council to be nominated by the Vice-Chancellor;
- (vii) four members to be nominated by the State Government from amongst the members of the General Council;
- (viii) the Finance and Accounts Officer;
- (ix) the Registrar shall be the Member-Secretary.

**Powers and
functions of
Executive
Council.**

22. (1) The Executive Council shall have the following powers and functions, namely:-

- (a) to enter into, vary, carry out and cancel contracts on behalf of the University;
- (b) to determine the form of a common seal for the University and provide for its custody and use;
- (c) to accept trusts, bequests, donations and transfer of any movable or immovable property on behalf of the University;
- (d) to transfer by sale, or otherwise, any movable property on behalf of the University;
- (e) to borrow, lend or invest funds on behalf of the University on the recommendation of the Finance Committee;
- (f) to lay down policy for administering funds at the disposal of the University for specific purposes;

- (g) to make provisions for buildings, premises, furniture, apparatus and other means needed for the conduct of the work of the University;
- (h) to hold, control and arrange for administration of assets and properties of the University;
- (i) to approve the annual accounts and the budget estimates received from the Finance Committee;
- (j) to lay down terms and conditions of service and other guidelines approved by the State Government from time to time; and lay down the procedure for appointment of University/college teachers and non-vacation academic staff and fix their emoluments and norms of workload, conduct and discipline;
- (k) to create posts of University teachers, officers, non-vacation academic staff and other employees of the University, subject to prior approval of the State Government;
- (l) to exercise such other powers and perform such other functions as may be necessary for the efficient functioning of the University.

23. (1) The Academic Council shall consist of the following members, namely:-

Academic Council.

- (i) the Vice-Chancellor, *ex-officio* Chairperson;
- (ii) the Director General;
- (iii) all the Directors of the University;
- (iv) all the Professors of the University or Heads of Institutions of the rank of Professors;
- (v) all the Assistant Director Generals of the University;
- (vi) the Heads of affiliated, recognised and approved schools or institutions;
- (vii) all the Scholars nominated in the Councils of Research;
- (viii) all the Scholars registered in the University for M.Phil., Ph. D. and Doctoral Research work;
- (ix) all Fellows of the University;
- (x) three Students nominated by the Vice-Chancellor on the basis of their excellence in regard to their outstanding performance in any of the *saptadhara* activities in the immediate preceding year;
- (xi) the Registrar shall be the Member-Secretary.

24. The Academic Council shall have the following powers and functions, namely:-

Powers and functions of Academic Council.

- (1) to recommend to the Executive Council for the institution of degrees, diplomas, certificates, as also their equivalence if required, with the degrees, diplomas, certificates of the other Universities, recognised Boards of

Studies and examination and also recommend other academic distinctions;

(2) to make proposal to the Executive Council for the institution of fellowships, travelling fellowships, scholarships, studentships, medals and prizes and make regulations for their award;

(3) to grant affiliation and recognition to schools or institutions;

(4) to accord recognition to institutions of research or specialised studies on the recommendations of the committees appointed by the General Council;

(5) to advise the University on all academic matters and submit to the Executive Council the details of the academic calendar and feasibility reports on academic programmes;

(6) to determine research areas as well as promote research in the University;

(7) to suggest academic appointments;

(8) to recommend for the visiting professors;

(9) to propose, organise special seminars, conferences and workshops;

(10) to implement the resolutions adopted by the Executive Council in respect of academic and research programmes and other activities;

(11) to constitute committees for specific purposes, in such manner as may be determined by it, and may designate one of its members as Chairperson of the committee;

(12) to consider and adopt the annual report, annual accounts and audit report and forward them to the Executive Council for approval;

(13) to delegate any of its powers, except the power to make, amend or repeal Ordinances, to such officer or authority of the University or a committee appointed by it, as it thinks fit;

(14) to make recommendations to the Executive Council with regard to the creation, abolition or classification of teaching posts in the University and qualifications, emoluments and the duties attached thereto;

(15) to formulate, modify or revise schemes for the organization of the centers, council and departments of research, schools, or other organization and specialized institutes, and to assign to them their respective subjects and also to report to the Executive Council for its approval;

(16) to consider proposals submitted by the departments, centers, councils and other recognized schools;

(17) to make recommendations to the Executive Council in regard to the appointment of examiners and fixation of their fees, emoluments and travelling and other expenses;

(18) to make arrangements for the conduct of examinations and to fix dates for such examinations;

(19) to declare the results of examinations, or to appoint committees or officers for declaration of such result, and to make recommendations regarding the conferment or grant of degrees, honours, diplomas, certificates, titles and marks of honour;

(20) to perform, in relation to academic matters, all such duties and to do all such acts as may be necessary for carrying out the provisions of this Act and the regulations.

25. (1) The Academic Council shall meet as many times as may be necessary, but at least once in six months.

Meetings of
Academic
Council.

(2) The Vice-Chancellor, or in his absence, the Director General shall preside at the meeting of the Academic Council.

(3) The Academic Council shall meet at such time and at such place and with such period of notice and shall observe such rules of procedure in regard to transaction of its business at its meeting, including the quorum at such meeting as may be prescribed;

(4) When any urgent action is required, the Vice-chancellor may, with the approval of the majority of the members of the Academic Council, permit the business to be transacted by circulation among the members of the Academic Council. The action so taken as approved by circulation shall be placed before the next meeting of the Academic Council.

26. (1) The Finance Committee shall consist of the following members, namely:-

Finance
Committee.

- (i) The Vice-Chancellor,
- (ii) The Director General,
- (iii) The Registrar,
- (iv) The Finance and Accounts officer,

- (v) One member of the Executive Council, to be nominated by it,
- (vi) One member, to be nominated by the State Government.

(2) The term of members other than the ex-officio members shall be of three years.

(3) A member shall cease to be a member of the Finance Committee, if he ceases to be a member of the Executive Council.

**Powers and
functions of
Finance
Committee.**

27. (1) The Finance Committee shall have the following powers and functions, namely:-

- (a) to examine and scrutinize the annual budget of the University and to make recommendations on financial matters to the Executive Council;
- (b) to consider all proposals for new expenditure and to make recommendations to the executive council;
- (c) to consider periodical statement of accounts and to review the finances of the University from time to time, to consider annual accounts and balance sheet of the University and audited statements and audit reports, and to make recommendations thereon to the Executive Council;
- (d) to advise and to make recommendations to the Executive Council on any financial matters affecting the University, either on its own motion or on reference from the Executive Council.

(2) The Finance Committee shall meet at least once in every six months. Three members of the Finance Committee shall form the quorum for a meeting.

(3) The Vice-Chancellor or in his absence, the Director General shall preside at the meetings of the Finance Committee.

(4) The annual report of the University shall be prepared under the direction of the Finance Committee and shall be submitted alongwith its comments to the Executive Council on or before such date as may be prescribed and shall be considered by the Executive Council at its annual meeting.

**Disqualifications
for membership
of authorities of
University.**

28. (1) A person shall be disqualified for being appointed or for being a member of any of the authorities of the University, if he-

- (a) is of unsound mind and stands so declared by a competent court;
- (b) is an undischarged insolvent;
- (c) has been convicted of any offence involving moral turpitude;

- (d) is conducting or engaging himself in private tuitions or private coaching classes;
- (e) has been punished for indulging in or promoting unfair practices in the conduct of any examination in any form;
- (f) discloses or causes to disclose to the public, in any manner whatsoever, any confidential matter, in relation to examination, the knowledge of which he has come to be in possession, due to his official position.

CHAPTER V

RESEARCH COUNCIL AND DEPARTMENT OF RESEARCH

29. (1) There shall be set up under the control of the centre of research, various Councils for Research as may be necessary, for research in the various subjects on child related knowledge and children psychology, philosophy and the like nature.

Constitution
and functions
of research

(2) Each Research Council shall consist of the Vice-Chancellor as its Chairman, the Director General as its Vice-Chairman and the Director who shall be of the rank of the professor and shall act as the Member-Secretary.

(3) Each Research Council shall consist of four Scholars nominated by the Chairman, Vice-Chairman and Member-Secretary and the Dean of the centre of research and approved by the Academic Council.

(4) The Scholars shall be eminent educationists in the subject for which the council is constituted and their role shall be to bring to the council their expert advice so as to promote research work of the council.

(5) The Scholars in each council shall not be entitled to any salary or emoluments but shall be entitled to a fee as may be prescribed by the regulations of the University for attending the meeting as also facilities for travel, transport and accommodation for each of their visits that they may be required to perform.

(6) The Council shall meet at such time and place, and shall observe such rules of procedure with regard to transaction of its business at the meeting as may be deemed necessary by it.

(7) For research in the research councils as also in the departments of research, there shall be a provision of fellowships which shall consist of not more than twenty-five fellows.

(8) The Fellows shall be selected by a committee appointed by the Academic Council:

Provided that twelve of the fellowship shall be awarded for junior research Fellows enrolled in the University for M.Phil. and Ph.D. research work:

Provided further that one Fellow shall be awarded a national fellowship to the selected from among eminent educationists and the remaining twelve fellowships shall be awarded as senior fellowship to eminent educationists of the rank of Associate Professors and Assistant Professors of the University.

(9) Each Fellow shall carry out research in any subject related to the themes of councils of research and departments of research and deliver lectures in the University whenever so required.

(10) The term of Fellow shall be of two years within which he shall write a thesis of fellowship on the subject assigned to him:

Provided that the Academic Council may extend the term by one year.

(11) The salary and allowances payable to Fellow shall be such as may be determined by the regulations of the University in accordance with the scheme of Fellowships of the University Grants Commission.

**Constitution
and functions
of Department
of Research.**

30. (1) There shall be set up under the control and management of centre of research several Departments of Research. Each Departments of Research shall have a Professor who shall be the Director and, it may have not more than two Associate Professors and three Assistant Professors as the Academic Council may deem necessary.

(2) Each Department of Research shall be responsible for instruction and communication in the Centre of Education and in the Centre of Extension Services in addition to the task of research.

(3) Each academic member of Department of Research shall be responsible for writing a thesis on the subject assigned to him by the Academic Council. The thesis shall be presented to the Academic Council at the interval of the period of two years, failing which note shall be taken in the appraisal programme of the Academic Council.

CHAPTER VI

FINANCE

**University
Fund.**

31. (1) The University shall establish a Fund to be called the University Fund.

(2) The following shall form part of, or be paid into the University Fund-

(i) any contribution or grant made by the State Government, Central Government or an agency of the Central Government;

(ii) any bequests, donations, endowments or other grants made by any private individual or institution;

(iii) income received by the University from all the sources including income from fees and charges; and

(iv) amounts received from any other source.

2 of 1934.

(3) The University Fund shall be kept in any Scheduled Bank as defined in the Reserve Bank of India Act, 1934 or in a Co-operative Bank approved by the State Government for the purpose.

(4) The University Fund shall be utilised for such purposes of the University and in such manner as may be prescribed by the Statutes.

32. Notwithstanding anything contained in this Act or the regulations, whenever the University receives funds from any Government or other agencies sponsoring a scheme to be executed by the University, -

Fund of
Sponsored
Scheme.

(1) the amount received shall be kept by the University in separate account and shall be utilised for the purpose of the scheme; and

(2) the staff required to execute such scheme shall be recruited in accordance with the terms and conditions stipulated by the sponsoring organization.

33. (1) The annual accounts and balance sheet of the University shall be prepared under the direction of the Executive Council and shall every year, be audited by the auditors appointed by the State Government.

Accounts,
Audit and
Annual
Report.

(2) The annual accounts, the balance sheet and the audit report shall be considered by the Executive Council at its annual meeting and it may, by resolution make recommendations with reference thereto and communicate the same to the Finance Committee.

(3) A copy of the annual accounts and the balance sheet together with the audit report thereon shall be submitted by the University to the State Government along with the statement of action taken by the University on the said report.

(4) Any observations made by the State Government on the annual accounts shall be brought to the notice of the University and the

compliance report on such observations shall be submitted to the State Government.

(5) The Executive Council shall also prepare, before such date as may be prescribed by the Statutes, the financial estimates for the ensuing year. The annual accounts and financial estimates shall be considered by the General Council at its annual meeting and may be passed with such modifications as the General Council may deem fit.

CHAPTER VII

STATUTES, ORDINANCES AND REGULATIONS

Statutes. 34. (1) Subject to the provisions of this Act, the Executive Council may make the Statutes to provide for all or any of the following matters, namely:-

- (i) conferment and withdrawal of honorary degrees and other academic distinctions;
- (ii) holding of convocation to confer degrees and diplomas;
- (iii) powers and duties and functions of the officers of the University;
- (iv) constitution, powers and duties of the authorities of the University;
- (v) institution and maintenance by the University, of departments, institutes of research or specialized studies, post-graduate centers in affiliated colleges and hostels;
- (vi) acceptance and management of bequests, donation and endowments;
- (vii) manner of utilization of the University Fund;
- (viii) registration of graduates and maintenance of register of registered graduates;
- (ix) manner and rules of procedure in regard to transaction of business at the meetings including the quorum of the meeting, of the authorities of the University and for the transaction of business;
- (x) qualifications of professors, readers, lecturers and teachers in affiliated colleges and recognized institutions;
- (xi) the maximum number of students to be admitted in a college;
- (xii) suitable and adequate physical facilities such as buildings, laboratory, library books, equipments required for teaching and research, hostels;
- (xiii) to conduct various research programmes;
- (xiv) qualification, salary, allowances, emoluments and other terms and conditions of service of the Director General and Registrar, Assistant Director General and Finance and Accounts Officer;
- (xv) manner of appointment of the Registrar and Finance and Accounts Officer;

- (xvi) preparation of the financial estimates for the ensuing year;
- (xvii) all matters which by or under this Act are to be or may be prescribed by the Statutes;

(2) The Statutes may be made, amended or repealed by the Executive Council in the manner hereinafter provided.

(3) The Executive Council may take into consideration the draft of a Statute either of its own motion or on a proposal by any other authority of the University. The Executive Council, if it thinks necessary may also obtain the opinion of any officer, authority or body of the University in regard to any draft Statute which is before it for consideration:

Provided that where any such draft Statute pertains to academic matters, the Executive Council shall obtain the opinion of the Academic Council before considering the same.

(4) Every Statute passed by the Executive Council shall be presented to the Chancellor who may give or withhold his assent thereto or refer it back to the Executive Council for reconsideration.

(5) No Statute passed by the Executive Council shall be valid or shall come into force until assented to by the Chancellor.

(6) Notwithstanding anything contained in the foregoing provisions, the Chancellor, on the advice of the State Government direct the University to make provisions in the Statutes in respect of any matter specified by him and if the Executive Council fails to implement such a direction within sixty days of its receipt, the Chancellor may, after considering the reasons, if any, communicated by the Executive Council for its inability to comply with such direction, make or amend the Statutes suitably as advised by the State Government.

35. (1) Subject to the provisions of this Act, the Executive Council may make the Ordinances to provide for all or any of the following matters, namely:-

Ordinances.

- (i) the conditions under which students shall be admitted to courses of studies for degrees, diplomas, and other academic distinctions;
- (ii) the conditions governing the appointment and the duties of examiners;
- (iii) conduct of examinations;
- (iv) recognition of teachers of the University;
- (v) the conditions of residence, conduct and discipline of the students of the University;

- (vi) the recognition of hostels;
- (vii) the inspection of affiliated colleges, recognized institutions, approved institutions and hostels;
- (viii) rules to be observed and enforced by colleges and recognized institutions and approved institutions in respect of transfer of students;
- (ix) the mode of execution of contracts or agreements for, or on behalf of the University;
- (x) all other matters which, by or under this Act may be required to be provided.

(2) The Executive Council may make, amend or repeal Ordinances in the manner hereinafter provided.

(3) No Ordinance concerning the matters referred to in clauses (i) to (viii) of sub-section (1), or any other matter connected with the maintenance of the standards of teaching and examinations within the University, shall be made by the Executive Council unless a draft thereof has been proposed by the Academic Council.

(4) The Executive Council shall not have the power to amend any draft proposed by the Academic Council under sub-section (3) but may approve the draft Ordinances or either reject or return it to the Academic Council for reconsideration, in whole or in part, together with any amendments which the Executive Council may suggest.

(5) All Ordinances made by the Executive Council shall have effect from such date as it may direct, but every Ordinance so made shall be submitted to the Chancellor within a period of two weeks. The Chancellor shall have the power to direct the Executive Council, within four weeks of the receipt of the Ordinances, to suspend its operation, and he shall, as soon as possible, inform the Executive Council of his objection to it. He may, after receiving the comments of the Executive Council, either withdraw the order suspending the Ordinances or reject the Ordinances, and his decision shall be final.

**Power to
make
Regulations.**

36. Subject to the provisions of this Act, the Executive Council may make Regulations consistent with the provisions of this Act to provide for all or any of the following matters, namely:-

- (i) constitution of committees for specific purposes, and members and Chairperson of such committee under sub-section (11) of section 24;
- (ii) time, place and period of the meetings of the Academic Council and rules of procedure for transaction of business at such meetings, including the quorum of the meeting under sub-section (3) of section 25;

- (iii) fee for attending the meeting and facilities for travel, transport and accommodation for visits in discharge of function under sub-section (5) of section 29;
- (iv) salary, allowances payable to the Fellow, in accordance with the scheme of Fellowships of the University Grants Commission under sub-section (11) of section 29;
- (v) all other matters which, by or under this Act may be required to be provided.

CHAPTER VIII

SUPPLEMENTARY PROVISIONS

37. (1) The University may with the prior approval of the State Government -

**Prior approval
of State
Government.**

- (a) create any post of a member of the academic or a non-academic staff of the University and the pay and allowances thereof;
- (b) divert the use of any earmarked fund for a purpose other than that for which it was originally earmarked;
- (c) transfer any immovable property belonging to it;

(2) The University may incur expenditure from the University Fund and development fund, if any, established by the University for the purpose of -

(i) initiating and maintaining any self financed academic course, and

(ii) development work,

with the prior approval of the State Government, if such expenditure imposes financial liability on the State Government.

(3) Notwithstanding anything contained in any Statutes, Ordinances and Regulations, the State Government may laid down a standard code for recruitment and conditions of service of academic and non-academic staff of the University.

38. (1) Where in the opinion of the State Government, the affairs of the University or institution are carried on in a manner detrimental to the object of the establishment of a University or to its finances or to public interest, the State Government may cause to be made a full and complete investigation into the affairs of the University or institution by appointing a committee for this purpose.

**Power of State
Government to
give directions.**

(2) The committee shall, within a period of one month or such period as the State Government may specify, make a report to the State Government containing recommendations as to the actions to be taken

on the affairs of the University or institution, and steps to prevent carrying on the affairs in the aforesaid manner.

(3) If the State Government is satisfied that it is desirable to take actions as recommended by the committee, it may issue such directions to the University or institution as may be appropriate in the circumstances.

(4) Where the University or college or institution fails to carry out any direction given by the State Government, it may withhold the grant to the University or institution.

**Standing
Committee.**

39. (1) There shall be a standing committee of the University for the purpose of selection for the post of professors, Director General or Assistant Director General or such other post as may be prescribed.

(2) The standing committee shall consist of the following members, namely:-

- (a) a retired judge of the Supreme Court of India or a retired Chief Justice of the Gujarat High Court or an eminent leader of Industry or Commerce or Management, to be nominated by the Chancellor of the University;
- (b) a retired Chief Secretary, Government of Gujarat, to be nominated by the State Government;
- (c) a former Vice-Chancellor of a University in Gujarat, to be nominated by the State Government;

The State Government shall nominate one of them as the Chairperson of the Committee.

(3) For the selection for appointment to the posts of the Professors, Director General, or Assistant Director General, there shall be a search committee consisting of:

- (a) the Vice-Chancellor, *ex-officio* Chairman; and
- (b) two members nominated by the Academic Council.

(4) The search committee shall recommend to the standing committee, three names of suitable candidates along with their bio-data. After scrutinizing the bio-data and if necessary after interview of the concerned candidates, the standing committee may select one of them and recommend the Executive Council for appointment on the concerned post.

(5) The terms and conditions, the tenure of service and salary, allowances, perks and other facilities of the members of the committee shall be such as may be prescribed by or under this Act.

40. (1) A member of any authority, other than an *ex-officio* member, may resign by writing under his signature, addressing to the Chancellor. The person shall cease to be a member upon his resignation being accepted by the Chancellor.

Resignation
from
membership
and filling up of
casual vacancy.

(2) A person nominated, appointed or co-opted to any authority or body remains absent without prior permission of the authority or body for three consecutive meetings, he shall be deemed to have vacated his membership and shall cease to be a member.

41. No suit shall be instituted against or other legal proceedings shall lie against or no damages shall be claimed from, the University, the authority or officer of the University, in respect of anything which is in good faith done or purported to have been done in pursuance of this Act or the regulations.

Indemnity.

42. All officers, members of the authorities, committees or bodies, members of the academic staff of the University and other employees of the University, shall be deemed, when acting or purporting to act in pursuance of any of the provision of this Act, to be public servant within the meaning of section 21 of the Indian Penal Code.

Officers,
members of
authorities,
bodies and
employees of
University to be
public servant.

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43. (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

Power of State
Government to
make rules.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely :-

- (a) the pay, allowances, emoluments and other terms and conditions of service of the Vice-Chancellor under sub-section (3) of section 13;
- (b) to lay down a standard code for recruitment and conditions of service of academic and non-academic staff of the University under sub-section (3) of section 37;
- (c) such other post for which standing committee of the University shall make selection under sub-section (1) of section 39;
- (d) the terms and conditions, the tenure of service and salary, allowances, perks and other facilities of the members of the search committee under sub-section (5) of section 39;

(3) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as may be after they are made and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

Power to
remove
difficulties.

44. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act as appears to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of two years from the commencement of this Act.

(2) Every order made under this section shall be laid as soon as may be after it is made, before the State Legislature.

CHAPTER IX

TRANSITORY PROVISIONS

Appointment
of first Vice-
Chancellor.

45. Notwithstanding anything contained in this Act, the first Vice-Chancellor shall be appointed by the State Government as soon as practicable after the commencement of this Act for a period not exceeding three years and on such terms and conditions as the State Government thinks fit.

Appointment
of first
Registrar.

46. Notwithstanding anything contained in section 16, the first Registrar shall be appointed by the State Government as soon as practicable after the commencement of this Act for a period of not exceeding three years and on such terms and conditions as the State Government may think fit.

Transitory
powers of first
Vice-
Chancellor.

47. (1) It shall be the duty of the first Vice-Chancellor-

- (a) to give recognition to institutions, if any, as far as possible consistent with the provisions of the Act; and
- (b) to make arrangements for constituting the General Council, the Executive Council, the Academic Council and other authorities of the University within six months after the date of his appointment or such longer period not exceeding one year as the State Government may, by notification in the *Official Gazette*, direct.

(2) The first Vice-Chancellor shall, with the assistance of the Advisory Committee consisting of not more than fifteen members nominated by the State Government for the purposes of this section,-

(a) subject to the provisions of this Act, -

- (i) make provisional Statutes necessary for constituting the aforesaid authorities and regulating the procedure at their meetings and the transaction of their business,
- (ii) draw up any rules, that may be necessary for regulating the method of constitution of the aforesaid authorities,

(b) frame the first Statutes, Ordinances and Regulations under this Act and submit them for confirmation to the respective authorities when they commence to exercise their functions.

(3) The authorities constituted under sub-section (1) shall commence to exercise their functions on such date or dates as the State Government may, by notification in the *Official Gazette*, direct.

(4) The Statutes, Ordinances and Regulations framed by the first Vice-Chancellor shall, when confirmed by the respective authorities, be published in the *Official Gazette*.

48. The first Vice Chancellor appointed under section 45 shall have the following powers until the Executive Council commences to exercise its functions –

Extra-ordinary powers of first Vice-Chancellor.

- (a) with the previous approval of the Chancellor, to make additional Statutes to provide for any matter not provided for by the first Statutes;
- (b) to constitute provisional authorities and bodies and on their recommendations to make rules providing for the conduct of the work of the University;
- (c) subject to the control of the State Government, to make such financial arrangements as may be necessary to enable this Act, or any part thereof, to be brought into force;
- (d) with the sanction of the Chancellor, to make for a period not exceeding three years, such appointments as may be necessary to enable this Act or any part thereof, to be brought into force;
- (e) to appoint any committee as he may think fit, to discharge such of its functions as he may direct; and
- (f) generally to exercise all or any of the powers conferred on the Executive Council by or under the provisions of this Act.

49. (1) At any time after the commencement of this Act, until such time as the authorities of the University shall commence to exercise their functions,-

First appointment of officers of University.

(a) the Vice-Chancellor with the previous sanction of the State Government may appoint any officer of the University;

(b) till the Executive Council is constituted, the teachers of the University may be appointed by the Advisory Committee referred to in sub-section (2) of section 47 with the approval of the State Government on the recommendation of the Selection Committee consisting of the following persons, namely:-

- (i) the Vice-Chancellor,
- (ii) a nominee of the Chancellor,
- (iii) three experts to be appointed out of a panel of experts drawn by the Advisory Committee.

(2) Any appointment made under sub-section (1) shall be for such period not exceeding three years and on such terms and conditions as the appointing authority thinks fit:

Provided that no such appointment shall be made until financial provision has been made therefore.

STATEMENT OF OBJECTS AND REASONS

The need for holistic personality development in a child is hardly appreciated by the existing education system. The present system needs to be changed keeping in mind the objective of giving adequate importance of the development of real understanding and appreciation of the subject by a child as compared to not learning, and the objective of development of creativity of a child as compared to learning the known facts.

Therefore, it is time to put the child at the centre of education system and align resources to the multiple needs of a child to ensure holistic and all-round development. We need to develop a child who is healthy, knowledgeable, motivated and engaged. In order to achieve this objective, the State Government intends to establish a full-fledged Children's University which can undertake research and capacity building in all aspects of a child's development, right from pre-natal till adult-hood.

The Children's University is intended not only to do research but also develop specific teaching methodology with in-built mechanism for transferring these new techniques to the existing education system through a massive programme of extension activities.

This bill seeks to achieve the aforesaid objects.

The following notes on clauses explain, in brief, some of the important provisions of the Bill.

Chapter I.- Clause 1 provides for the short title, extent and commencement of the Act.

Clause 2 provides for certain terms used in the Bill.

Chapter II.- This Chapter contains **Clauses 3 to 9** which relate to establishment and incorporation of the Children's University, its headquarters, territorial jurisdiction, objects, powers and functions of the Universality.

Chapter III.- This Chapter relates to officers of the University.

Clauses 10 to 17 of this chapter provide for the Chancellor, Vice-Chancellor, the Director General, the Registrar and the Finance and Accounts Officers of the University. It also provides for the qualifications, conditions of service, powers and functions of the officers of the University.

Chapter IV.- This Chapter relates to authorities of the University. **Clauses 18 to 28** of this chapter provide for the authorities of the University such as General Council, the Executive Council, the Academic Council and the Finance Committee and also provide for the constitution, powers and functions and also provide for disqualifications for being a member of the said authorities of the University.

Chapter V.- This chapter contains clauses 29 and 30 which relate to the constitution and function of Research Council and Department of Research.

Chapter VI.- This Chapter contains **Clauses 31 to 33** which relate to Finance of the University. It provides for the University Fund, Fund of the Sponsored Scheme, annual accounts, audit and annual report of the University.

Chapter VII.- This Chapter contains **Clauses 34 to 36** which relate to the Statutes, Ordinances and Regulations. The Executive Council has been empowered to make Statutes, Ordinances and Regulations of the University.

Chapter VIII.- This Chapter contains **Clauses 37 to 44** relating to following supplementary provisions:-

- (i) **Clause 37** provides that the University shall be required to obtain prior approval of the State Government in certain cases which involve financial implications;
- (ii) **Clause 38** provides for the powers of State Government to give directions in the affairs of the University;

- (iii) *Clause 39* provides for the constitution of the Standing Committee and the search committee for selection for the post of professors, Director General or Assistant Director General or such other post;
- (iv) *Clause 40* provides for the resignation from membership and filling up of casual vacancy;
- (v) *Clause 41* provides for the usual indemnity for the acts done in good faith by the officers and employees of the University;
- (vi) *Clause 42* provides that the officers, members of authorities, and employees of University shall be public servant within the meaning of section 21 of the Indian Penal Code;
- (vii) *Clause 43* empowers the State Government to make rules, by notification in the *Official Gazette*, generally for carrying out the purposes of the Act and particularly for the matters as specified therein;
- (viii) *Clause 44* provides for the powers of the State Government to remove difficulties arising within two years from the date of the commencement of the Act.

Chapter IX.- This Chapter contains *Clauses 45 to 49* relating to following transitory provisions:-

- (i) *Clause 45* provides for the appointment of the first Vice-Chancellor of the University;
- (ii) *Clause 46* provides for the appointment of the first Registrar of the University;
- (iii) *Clause 47* provides for the transitory powers of the first Vice-Chancellor;
- (iv) *Clause 48* provides for the extra ordinary powers of the first Vice-Chancellor;
- (v) *Clause 49* provides for the first appointment of the officers of the University.

RAMANLAL VORA,

FINANCIAL MEMORANDUM

This Bill proposes to create and establish the Children's University in State of Gujarat. The University will work for the holistic personality development in the children and it is also intended to research and develop specific methodology with inbuilt mechanism for transferring the new techniques to the existing education system. The University will be provided fund by the State Government. Sub-clause (2) of clause 31 of the Bill provides that the University so incorporated shall be run by the grant from the State Government, the Central Government and from an agency of the Central Government. Accordingly, the University will be provided fund by the State Government.

The non-recurring expenditure for the proposed University would be approximately rupees one hundred crores and recurring expenditure would be approximately rupees ten crores per annum. There is budgetary provision of rupees 980 lacs in the form of a new item for the Children's University for the financial year 2009-2010 in the Budget and shall be met from the Consolidated Fund of the State.

RAMANLAL VORA,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative powers in the following respects: -

Clause 1.—Sub-clause (3) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the remaining provisions of the Act shall come into force.

Clause 4.—This clause empowers the State Government to specify the such other place to be the headquarters of the University.

Clause 7.—This clause empowers the Executive Council to prescribe by Statutes, to employ various means for conduct of the research programmes by the University.

Clause 10.— Sub-clause (vi) of this clause empowers the Executive Council to declare by Statutes, such other officers to be the officers of the University.

Clause 13.-- Sub-clause (3) of this clause empowers the State Government to prescribe by rules, the pay, allowances, emoluments and other terms and conditions of service of the Vice-Chancellor.

Clause 15.-- (i) Sub-clause (2) of this clause empowers the Executive Council to prescribe by Statutes, the salary, emoluments, other perks and allowances, the terms and conditions and the tenure of service of the Director General;

(ii) sub-clause (4) of this clause empowers the Executive Council to prescribe by Statutes, the qualification, salary, emoluments, other perks and allowances, the terms and conditions and the tenure of service of the Assistant Director General.

Clause 16.-- (i) Sub-clause (2) of this clause empowers the Executive Council to prescribe by Statutes, the qualification, salary, emoluments, other perks and allowances, the terms and conditions and the tenure of service of the Registrar;

(ii) sub-clause (10) of this clause empowers the Executive Council to prescribe by Statutes, the other powers and duties of the Registrar.

Clause 17.-- (i) Sub-clause (1) of this clause empowers the Executive Council to prescribe by Statutes, the manner of appointment of the Finance and Accounts Officer and powers and duties of the Finance and Accounts Officer;

(ii) sub-clause (2) of this clause empowers the Executive Council to be prescribe by Statutes, the qualification, salary, emoluments, other perks and allowances, the terms and conditions and the tenure of service of the Finance and Accounts Officer.

Clause 18.-- Sub-clause (v) of this clause empowers the Executive Council to declare by Statutes, such other authorities to be the authorities of the University.

Clause 24.-- (i) Sub-clause (2) of this clause empowers the Executive Council to prescribe by Regulations, for awarding and institution of fellowships, travelling fellowships, scholarships, studentships, medals and prizes;

(ii) sub-clause (11) of this clause empowers the Executive Council to prescribe by Regulations, to constitute committees for specific purposes, and members and Chairperson of such committee.

Clause 25.-- Sub-clause (3) of this clause empowers the Executive Council to prescribe by Regulations, the time, place and period of the meetings of the Academic Council and rules of procedure

in regard to transaction of its business to be observed at such meetings, including the quorum of the meeting.

Clause 29.-- (i) Sub-clause (5) of this clause empowers the Executive Council to prescribe by Regulations, the fee for attending the meeting by the scholars and also facilities for travel, transport and accommodation for each of their visits in discharge of his function;

(ii) sub-clause (11) of this clause empowers the Executive Council to prescribe by Regulations, the salary and allowances payable to the Fellow, in accordance with the scheme of Fellowships of the University Grants Commission.

Clause 31.-- Sub-clause (4) of this clause empowers the Executive Council to prescribe by Statutes, the manner in which the University Fund shall be utilised for the purposes of the University.

Clause 33.-- Sub-clause (5) of this clause empowers the Executive Council to prescribe by Statutes, the date by which the financial estimates for the ensuing year shall be prepared by the Executive Council.

Clauses 34 to 36.-- These clauses empower the Executive Council to make Statutes, Ordinances and Regulations for the matters specified therein and such other matters which by or under this Act.

Clause 37.-- Sub-clause (3) of this clause empowers the State Government to lay down a standard code for recruitment and conditions of service of academic and non-academic staff of the University.

Clause 39.-- Sub-clause (1) of this clause empowers the State Government to prescribe by rules, such other post for which standing committee of the University shall make selection;

(ii) sub-clause (5) of this clause empowers the State Government to prescribe by rules, the terms and conditions, the tenure of service and salary, allowances, perks and other facilities of the members of the search committee.

Clause 43.-- This clause empowers the State Government to make rules, by notification in the *Official Gazette*, generally for carrying out the purposes of the Act and particularly for the matters as specified therein.

Clause 47.-- (i) Para (b) of sub-clause (1) of this clause empowers the State Government to specify by notification in the *Official Gazette*, such period, not exceeding one year, by which the arrangements for constituting the General Council, the Executive

Council, the Academic Council and other authorities of the University shall be made;

(ii) sub-clause (3) of this clause empowers the State Government to direct by notification in the *Official Gazette*, the date or dates on which the authorities constituted by the First Vice-Chancellor shall commence to exercise their functions.

Gandhinagar,
Dated the 20th July, 2009.

RAMANLAL VORA.

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 20th July, 2009.

H.D.VYAS,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department



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The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

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MONDAY, JULY 27, 2009/ SRAVANA 5, 1931

Separate paging is given to this part in order that it may be filed as a Separate Compilation.

PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

THE GUJARAT APPROPRIATION BILL, 2009.

GUJARAT BILL NO. 22 OF 2009.

A BILL

to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 2010.

It is hereby enacted in the Sixtieth Year of the Republic of India as follows :-

1. This Act may be called the Gujarat Appropriation Act, 2009.

Short title.

2. From and out of the Consolidated Fund of the State of Gujarat, there may be withdrawn sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum of forty thousand one hundred forty-two crore, fifty-one lakhs, fourteen thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2009-2010 in respect of the services and purposes specified in column 2 of the Schedule.

Withdrawal of Rs. 4,01,42,51,14,000 from and out of the Consolidated Fund of the State of Gujarat for the financial year 2009-2010.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

Appropriation.

SCHEDULE
(See sections 2 and 3)

No. of Vote / Appropriation	Services and Purposes	Revenue / Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2		3		
1	Agriculture and Co-operation Department	Revenue	110407000		110407000
2	Agriculture	Revenue	7091642000		7091642000
		Capital	3333000		3333000
3	Minor Irrigation, Soil Conservation and Area Development	Revenue	1311727000		1311727000
		Capital	7000		7000
4	Animal Husbandry and Dairy Development	Revenue	1093707000		1093707000
5	Co-operation	Revenue	983587000		983587000
		Capital	4133000		4133000
6	Fisheries	Revenue	559568000		559568000
		Capital	133333000		133333000
7	Other Expenditure pertaining to Agriculture and Co-operation Department	Capital	7333000		7333000
8	Education Department	Revenue	82973000		82973000
9	Education	Revenue	41550244000	1123333000	42673577000
		Capital	1082975000		1082975000
10	Other Expenditure pertaining to Education Department	Revenue	8293000		8293000
		Capital	243337000		243337000
11	Energy and Petro-Chemicals Department	Revenue	21773000		21773000
12	Tax Collection Charges (Energy and Petro-Chemicals Department)	Revenue	58877000		58877000
13	Energy Projects	Revenue	19727298000		19727298000
		Capital	2923665000		2923665000
14	Other Expenditure pertaining to Energy and Petro-Chemicals Department	Revenue	4468000		4468000
		Capital	867000		867000
15	Finance Department	Revenue	70064000		70064000
16	Tax Collection Charges (Finance Department)	Revenue	859649000		859649000
17	Treasury and Accounts Administration	Revenue	414033000	2000	414035000
18	Pensions and Other Retirement Benefits.	Revenue	17911333000	1467000	17912800000
19	Other Expenditure pertaining to Finance Department	Revenue	13125371000		13125371000
		Capital	13073000	67000	13140000
20	Repayment of debt pertaining to Finance Department and its Servicing	Revenue		53892228000	53892228000
		Capital		21644409000	21644409000
21	Food, Civil Supplies and Consumer Affairs Department	Revenue	128963000		128963000
22	Civil Supplies	Revenue	1674456000		1674456000
23	Food	Revenue	253220000		253220000
		Capital	1400000		1400000
24	Other Expenditure pertaining to Food, Civil Supplies and Consumer Affairs Department	Capital	733000		733000
25	Forest and Environment Department	Revenue	28775000		28775000

No. of Vote / Appropriation	Services and Purposes	Revenue / Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2		3		
26	Forest	Revenue	1389855000	567000	1390422000
		Capital	1175972000		1175972000
27	Environment	Revenue	84667000		84667000
28	Other expenditure pertaining to Forest and Environment Department	Capital	3953000		3953000
29	Governor	Revenue		26237000	26237000
30	Council of Ministers	Revenue	13233000		13233000
31	Election	Revenue	301915000		301915000
32	Public Service Commission	Revenue	22460000	29253000	51713000
33	General Administration Department	Revenue	378008000		378008000
34	Economic Advice and Statistics	Revenue	84242000		84242000
35	Other Expenditure pertaining to General Administration Department	Revenue	1668621000	1827000	1670448000
		Capital	13147000		13147000
36	State Legislature	Revenue	132967000	1417000	134384000
37	Loans and Advances to Government Servants in Gujarat Legislature Secretariat	Capital	2271000		2271000
38	Health and Family Welfare Department	Revenue	67028000		67028000
39	Medical and Public Health	Revenue	8531858000		8531858000
		Capital	2325816000		2325816000
40	Family Welfare	Revenue	1544207000		1544207000
41	Other Expenditure pertaining to Health and Family Welfare Department	Revenue	1567000		1567000
		Capital	11333000		11333000
42	Home Department	Revenue	416657000		416657000
43	Police	Revenue	9903104000	50000	9903154000
44	Jails	Revenue	262392000		262392000
45	State Excise	Revenue	51373000		51373000
46	Other Expenditure pertaining to Home Department	Revenue	254258000	1200000	255458000
		Capital	952623000		952623000
47	Industries and Mines Department	Revenue	50250000		50250000
48	Stationery and Printing	Revenue	316027000		316027000
49	Industries	Revenue	4276977000		4276977000
		Capital	231667000		231667000
50	Mines and Minerals	Revenue	436475000	18000	436493000
		Capital	58940000		58940000
51	Tourism	Revenue	1329997000		1329997000
		Capital	250000000		250000000
52	Other Expenditure pertaining to Industries and Mines Department	Revenue	139867000		139867000
		Capital	106667000		106667000
53	Information and Broadcasting Department	Revenue	16783000		16783000
54	Information and Publicity	Revenue	343960000		343960000
55	Other Expenditure pertaining to Information and Broadcasting Department	Revenue	28490000		28490000
		Capital	2200000		2200000
56	Labour and Employment Department	Revenue	37300000		37300000
57	Labour and Employment	Revenue	1439483000		1439483000

No. of Vote / Appropriation	Services and Purposes	Revenue / Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2		3		
58	Other Expenditure pertaining to Labour and Employment Department	Capital	5370000		5370000
59	Legal Department	Revenue	40609000		40609000
60	Administration of Justice	Revenue	2349850000	266205000	2616055000
61	Other Expenditure pertaining to Legal Department	Revenue	391473000		391473000
		Capital	10667000		10667000
62	Legislative and Parliamentary Affairs Department	Revenue	18249000		18249000
63	Other Expenditure pertaining to Legislative and Parliamentary Affairs Department	Capital	367000		367000
64	Narmada, Water Resources, Water Supply and Kalpsar Department	Revenue	58728000		58728000
65	Narmada Development Scheme	Capital	11583767000		11583767000
66	Irrigation and Soil Conservation	Revenue	4620547000	1045000	4621592000
		Capital	8684913000	5917000	8690830000
67	Water Supply	Revenue	4021267000		4021267000
		Capital	2883333000		2883333000
68	Other Expenditure pertaining to Narmada, Water Resources, Water Supply and Kalpsar Department	Revenue	0	42261000	42261000
		Capital	11000000		11000000
69	Panchayats, Rural Housing and Rural Development Department	Revenue	29047000		29047000
70	Community Development	Revenue	5105719000		5105719000
71	Rural Housing and Rural Development	Revenue	3819395000	1123133000	4942528000
72	Compensation and Assignments	Revenue	507213000		507213000
73	Other Expenditure pertaining to Panchayats, Rural Housing and Rural Development Department	Revenue	959700000		959700000
		Capital	90213000		90213000
74	Transport	Revenue	3177370000		3177370000
		Capital	1570000000		1570000000
75	Other Expenditure pertaining to Ports and Transport Department	Revenue	384893000		384893000
		Capital	67000		67000
76	Revenue Department	Revenue	112359000		112359000
77	Tax Collection Charges (Revenue Department)	Revenue	882235000		882235000
78	District Administration	Revenue	1197753000		1197753000
79	Relief on account of Natural Calamities	Revenue	4396273000		4396273000
		Capital	1579667000		1579667000
80	Dangs District	Revenue	163887000		163887000
81	Compensation and Assignments	Revenue	83380000	554000	83934000
		Capital	1200000	133000	1333000
82	Other Expenditure pertaining to Revenue Department	Revenue	2166014000		2166014000
		Capital	3440000		3440000
83	Roads and Buildings Department	Revenue	66120000		66120000
84	Non-Residential Buildings	Revenue	2570609000	2096000	2572705000
		Capital	4453428000		4453428000
85	Residential Buildings	Revenue	793778000		793778000
		Capital	254425000		254425000
86	Roads and Bridges	Revenue	10570280000	4146000	10574426000

No. of Vote / Appropriation	Services and Purposes	Revenue / Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2		3		
		Capital	6410633000	831000	6411464000
87	Gujarat Capital Construction Scheme	Revenue	61523000		61523000
		Capital	640500000		640500000
88	Other Expenditure pertaining to Roads and Buildings Department	Revenue	68783000	8009000	76792000
		Capital	85667000		85667000
89	Science and Technology Department	Revenue	751796000		751796000
90	Other Expenditure pertaining to Science and Technology Department	Revenue	133067000		133067000
		Capital	56344000		56344000
91	Social Justice and Empowerment Department	Revenue	45200000		45200000
92	Social Security and Welfare	Revenue	2815719000	8000000	2823719000
		Capital	103227000		103227000
93	Welfare of Scheduled Tribes	Revenue	617660000		617660000
		Capital	34733000		34733000
94	Other Expenditure pertaining to Social Justice and Empowerment Department	Capital	2467000		2467000
95	Scheduled Castes Sub-Plan	Revenue	10304621000		10304621000
		Capital	738091000		738091000
96	Tribal Area Sub-Plan	Revenue	18278983000	2588000	18281571000
		Capital	9125521000	241000	9125762000
97	Sports, Youth and Cultural Activities Department	Revenue	26508000		26508000
98	Youth Services and Cultural Activities	Revenue	990657000		990657000
99	Other Expenditure pertaining to Sports, Youth and Cultural Activities Department	Capital	877000		877000
100	Urban Development and Urban Housing Department	Revenue	22963000		22963000
101	Urban Housing	Revenue	457000	452013000	452470000
102	Urban Development	Revenue	34824928000		34824928000
		Capital	200000000		200000000
103	Compensation, Assignments and Tax Collection Charges	Revenue	755333000	213400000	968733000
104	Other Expenditure pertaining to Urban Development and Urban Housing Department	Revenue	5453000		5453000
		Capital	2007000		2007000
105	Women and Child Development Department	Revenue	16235000		16235000
106	Other Expenditure pertaining to Women and Child Development Department	Revenue	4619578000	3333000	4622911000
		Capital	1067771000		1067771000
	Total	Revenue	263420661000	57204382000	320625043000
		Capital	59148473000	21651598000	80800071000
	Grand Total		322569134000	78855980000	401425114000

STATEMENT OF OBJECTS AND REASONS

Article 204(1) of the Constitution of India requires that as soon as may be after the grants have been made by the Assembly, there shall be introduced a Bill to provide for the appropriation out of the Consolidated Fund of the State, of all moneys required to meet-

(a) the grants so made by the Assembly, and

(b) the expenditure charged on the Consolidated Fund of the State but not exceeding in any case the amount shown in the Statement previously laid before the Legislative Assembly.

The Bill accordingly specifies the gross amount required to meet grants made by the Assembly and the expenditure charged on the Consolidated Fund of the State for the financial year ending on the 31st March, 2010.

The amounts are shown below: -	Rs.
(a) Revenue Expenditure	3,20,62,50,43,000
(b) Capital Expenditure	80,80,00,71,000
Total ::	4,01,42,51,14,000

Dated the 27th July, 2009.

VAJUBHAI VALA.

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 27th July, 2009.

H. D. VYAS,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

Government Central Press, Gandhinagar.



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The Gujarat Government Gazette

EXTRAORDINARY

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Separate paging is given to this part in order that it may be filed as a Separate Compilation.

PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT LOCAL AUTHORITIES LAWS

(AMENDMENT) BILL, 2009.

GUJARAT BILL NO. 23 OF 2009.

A BILL

further to amend the Bombay Provincial Municipal Corporations Act, 1949, the Gujarat Municipalities Act, 1963 and the Gujarat Panchayats Act, 1993.

It is hereby enacted in the Sixtieth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Local Authorities Laws (Amendment) Act, 2009.

Short title and commencement.

(2) This section shall come into force at once and the remaining provisions shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint and different dates may be appointed for different provisions of the Act.

Amendment
of section 5 of
Bom.LIX of
1949.

2. In the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter referred to as "the Municipal Corporations Act"), in section 5, - Bom. LIX of 1949.

- (1) in sub-section (5), for the word "One-third", the words "As nearly as may be one-half" shall be substituted;
- (2) in sub-section (6), for the words "one third", the words "as nearly as may be one-half" shall be substituted;
- (3) in sub-section (7), for the word "One-third", the words "As nearly as may be one-half" shall be substituted.

Insertion of new
sections in Bom.
LIX of 1949.

3. In the Municipal Corporations Act, after section 16, the following sections shall be inserted, namely:-

"OBLIGATION TO VOTE

Obligation
to vote.

16A. (1) It shall be the duty of a qualified voter of the Municipal Corporation to vote at the election of the Municipal Corporation, however, he will be free to cast his vote in favour of none of the candidates contesting election as indicated in sub-section (2).

(2) The qualified voter shall cast his vote in favour of none of the candidates contesting election, in the manner as may be prescribed by rules, in case where he does not want to cast his vote in favour of any candidate.

Declaration
of a voter to
be a
defaulter
voter.

16B. (1) The election officer, as may be designated by the State Election Commission, may declare the voter to be the defaulter voter who failed to vote at the election of a Municipal Corporation after giving him a notice in the form prescribed by rules.

(2) The State Government shall be competent to prescribe by rules to be laid before the State Legislature, the disadvantages or consequences to be suffered by a defaulter voter.

Valid and
sufficient
reasons for
not voting.

16C. A qualified voter shall be exempted to vote at the election of the Municipal Corporation -

- (1) if he is physically incapable due to illness to vote or other bodily infirmity to come and discharge his obligation, or
- (2) if he is absent on the date of election from the country or State of Gujarat, or
- (3) for such other valid and sufficient reasons as may be prescribed by rules by the State Government in consultation with the State Election Commission.

16D. (1) An election officer shall issue a notice to the voter who failed to vote at the election of the Municipal Corporation. **Notice.**

(2) The election officer shall by a notice inform the voter that he appears to have failed to vote at the election and that it is the duty of voter to vote at election. The voter may within a period of one month inform the valid and sufficient reasons, if any, for not voting alongwith supporting documents such as medical certificate, a copy of passport, etc.

(3) If no reply to the notice referred to in sub-section (1) is received within a period of one month or where the voter writes to the election officer reasons for not voting and where the election officer is not satisfied with the reasons given by voter as valid and sufficient, the election officer shall by an order in writing containing reasons declare him a defaulter voter.

16E. (1) The voter who is aggrieved by the order of the election officer under section 16D may prefer an appeal in the form prescribed by rules, within a period of one month, to the Appellate Officer designated as such by the State Election Commission. **Appeal.**

(2) The Appellate Officer after providing an opportunity of being heard to the appellant may pass an appropriate order. The order of the Appellate Officer shall be final."

Guj. 34
of 1964.

4. In the Gujarat Municipalities Act, 1963 (hereinafter referred to as "the Municipalities Act"), in section 6,--

**Amendment of
section 6 of
Guj. 34 of 1964.**

(1) in sub-section (2), -

- (i) in clause (a), for the figure "21", the figure "24" shall be substituted;
- (ii) in clause (b), for the figure "27", the figure "28" shall be substituted;
- (iii) in clause (d), for the figure "42", the figure "44" shall be substituted;
- (iv) in clause (e), for the figure "51", the figure "52" shall be substituted,

(2) in sub-section (3),-

- (i) in clause (b), for the word "One-third", the words "As nearly as may be one-half" shall be substituted;
- (ii) in clause (c), for the word "one-third", the words "as nearly as may be one-half" shall be substituted;
- (iii) in clause (d), for the word "One-third", the words "As nearly as may be one-half" shall be substituted.

Insertion of new
sections in Guj. 34
of 1964.

5. In the Municipalities Act, after section 15, the following sections shall be inserted, namely:-

“OBLIGATION TO VOTE

Obligation to vote. 15A. (1) It shall be the duty of a qualified voter of the Municipality to vote at the election of the Municipality, however, he will be free to cast his vote in favour of none of the candidates contesting election as indicated in sub-section (2).

(2) The qualified voter shall cast his vote in favour of none of the candidates contesting election, in the manner as may be prescribed by rules, in case where he does not want to cast his vote in favour of any candidate.

Declaration of a voter to be a defaulter voter. 15B. (1) The election officer, as may be designated by the State Election Commission, may declare the voter to be the defaulter voter who failed to vote at the election of a Municipality after giving him a notice in the form prescribed by rules.

(2) The State Government shall be competent to prescribe by rules to be laid before the State Legislature, the disadvantages or consequences to be suffered by a defaulter voter.

Valid and sufficient reasons for not voting. 15C. A qualified voter shall be exempted to vote at the election of the Municipality –

- (1) if he is physically incapable due to illness to vote or other bodily infirmity to come and discharge his obligation, or
- (2) if he is absent on the date of election from the country or State of Gujarat, or
- (3) for such other valid and sufficient reasons as may be prescribed by rules by the State Government in consultation with the State Election Commission.

Notice. 15D. (1) An election officer shall issue a notice to the voter who failed to vote at the election of the Municipality.

(2) The election officer shall by a notice inform the voter that he appears to have failed to vote at the election and that it is the duty of voter to vote at election. The voter may within a period of one month inform the valid and sufficient reasons, if any, for not voting alongwith supporting documents such as medical certificate, a copy of passport, etc.

(3) If no reply to the notice referred to in sub-section (1) is received within a period of one month or where the voter writes to the election officer reasons for not voting and where the election officer is not satisfied with the reasons given by voter as valid and sufficient, the election officer shall by an order in writing containing reasons declare him a defaulter voter.

15E. (1) The voter who is aggrieved by the order of the election officer under section 15D may prefer an appeal in the form prescribed by rules, within a period of one month, to the Appellate Officer designated as such by the State Election Commission. **Appeal.**

(2) The Appellate Officer after providing an opportunity of being heard to the appellant may pass an appropriate order. The order of the Appellate Officer shall be final."

6. In the Gujarat Panchayats Act, 1993 (hereinafter referred to as "the Panchayats Act"), in section 9,- **Amendment of section 9 of Guj. 18 of 1993.**

(1) in sub-section (4), for the word "seven", occurring at two places, the word "eight" shall be substituted;

(2) in sub-section (5),-

- (i) in clause (b), for the words "One third", the words "As nearly as may be one-half" shall be substituted;
- (ii) in clause (c), for the words "One third", the words "As nearly as may be one-half" shall be substituted.

7. In the Panchayats Act, in section 10,-

(1) in sub-section (4), for the word "fifteen", occurring at two places, the word "sixteen" shall be substituted;

(2) in sub-section (5),-

- (i) in clause (b), for the words "One third", the words "As nearly as may be one-half" shall be substituted;
- (ii) in clause (c), for the words "One third", the words "As nearly as may be one-half" shall be substituted.

Amendment of section 10 of Guj. 18 of 1993.

8. In the Panchayats Act, in section 11,-

(1) in sub-section (4), for the word "seventeen", occurring at two places, the word "eighteen" shall be substituted;

(2) in sub-section (5),-

- (i) in clause (b), for the words "One third", the words "As nearly as may be one-half" shall be substituted;
- (ii) in clause (c), for the words "One third", the words "As nearly as may be one-half" shall be substituted.

Amendment of section 11 of Guj. 18 of 1993.

Insertion of new
sections in Guj.
18 of 1993.

9. In the Panchayats Act, after section 34, the following sections shall be inserted, namely:-

“OBLIGATION TO VOTE

Obligation
to vote.

34A. (1) It shall be the duty of a qualified voter of the Panchayats to vote at the election of the Panchayat, however, he will be free to cast his vote in favour of none of the candidates contesting election as indicated in sub-section (2).

(2) The qualified voter shall cast his vote in favour of none of the candidates contesting election, in the manner as may be prescribed by rules, in case where he does not want to cast his vote in favour of any candidate.

Declaration
of a voter to
be a
defaulter
voter.

34B. (1) The election officer, as may be designated by the State Election Commission, may declare the voter to be the defaulter voter who failed to vote at the election of a Panchayat after giving him a notice in the form prescribed by rules.

(2) The State Government shall be competent to prescribe by rules to be laid before the State Legislature, the disadvantages or consequences to be suffered by a defaulter voter.

Valid and
sufficient
reasons for
not voting.

34C. A qualified voter shall be exempted to vote at the election of the Panchayat –

- (1) if he is physically incapable due to illness to vote or other bodily infirmity to come and discharge his obligation, or
- (2) if he is absent on the date of election from the country or State of Gujarat, or
- (3) for such other valid and sufficient reasons as may be prescribed by rules by the State Government in consultation with the State Election Commission.

Notice.

34D. (1) An election officer shall issue a notice to the voter who failed to vote at the election of the Panchayats.

(2) The election officer shall by a notice inform the voter that he appears to have failed to vote at the election and that it is the duty of voter to vote at election. The voter may within a period of one month inform the valid and sufficient reasons, if any, for not voting alongwith supporting documents such as medical certificate, a copy of passport, etc.

(3) If no reply to the notice referred to in sub-section (1) is received within a period of one month or where the voter writes to the election officer reasons for not voting and where the election officer is not satisfied with the reasons given by voter as valid and sufficient, the election officer shall by an order in writing containing reasons declare him a defaulter voter.

34E. (1) The voter who is aggrieved by the order of the election officer under section 34D may prefer an appeal in the form prescribed by rules, within a period of one month, to the Appellate Officer designated as such by the State Election Commission. **Appeal.**

(2) The Appellate Officer after providing an opportunity of being heard to the appellant may pass an appropriate order. The order of the Appellate Officer shall be final."

10. In the Panchayats Act, in section 51, in sub-section (2), in clause (b), in sub-clauses (i) and (ii), for the words "One third", the words "As nearly as may be one-half" shall be substituted. **Amendment of section 51 of Guj. 18 of 1993.**

11. In the Panchayats Act, in section 63, in sub-section (2), in clause (b), in sub-clauses (i) and (ii), for the words "One third", the words "As nearly as may be one-half" shall be substituted. **Amendment of section 63 of Guj. 18 of 1993.**

12. In the Panchayats Act, in section 77, in sub-section (2), in clause (b), in sub-clauses (i) and (ii), for the words "One third", the words "As nearly as may be one-half" shall be substituted. **Amendment of section 77 of Guj. 18 of 1993.**

13. Notwithstanding anything contained in this Act, the Municipal Corporation, the Municipality or, as the case may be, the Panchayat constituted immediately before the commencement of the provisions of this Act, amending the Bombay Provincial Municipal Corporations Act, 1949, the Gujarat Municipalities Act, 1963 and the Gujarat Panchayats Act, 1993 shall continue till the expiration of its duration or till it is dissolved before its duration. **Continuance of existing municipal corporations, municipalities and panchayats.**

Bom. LIX of 1949.
Guj. 34 of 1964.
Guj. 18 of 1993.

STATEMENT OF OBJECTS AND REASONS

In any developed, modern, futuristic and civilized society, the role of women in all walks of life in general and in the sphere of administration of local self-governments in particular, can neither be denied, underestimated nor delayed. The State Government is committed to achieve the high ideals enshrined in the Constitution of India by empowering women in all walks of life to ensure emergence of a better social, cultural, institutional, economical and political scenario. To achieve the aforesaid high constitutional ideals, the State Government has decided to make legislative provisions to ensure more participation of women in the administration, functioning and management of the local self-governments since such bodies inevitably deal with the core issues like water supply, health, education, sanitation, solid waste management, etc. with which women are either directly concerned and/or affected. Therefore, to enable the women population of the State to effectively contribute in the decision making process of the local self- governments, the present Bill proposes to amend the Bombay Provincial Municipal Corporations Act, 1949, the Gujarat Municipalities Act, 1963 and the Gujarat Panchayats Act, 1993.

It is absolutely inevitable for strengthening the democratic fabric of the country which is the basic feature of the Constitution of India that each and every citizen discharges his obligation to the nation by exercising his pious right to vote at elections. It is observed that due to the low turnover of voters to discharge their duty by exercising their right to vote, the true spirit of the will of the people is not reflected in the electoral mandate. This scenario has a very serious potential to weak the fabric of democratic governance which the people of the country has given to themselves under the Constitution. It is, therefore, with an object to achieve the goal of reflection of the true democratic will in the elections of the local self- Governments and to ensure to achieve the object, purpose and ideals contained in Part IX and Part IX-A of the Constitution of India, proposed in the present Bill to make legislative provisions to make the duty to exercise the right to vote in the elections of the local self-Governments a statutory obligation.

The Bill seeks to achieve the aforesaid objects.

The following notes on clauses explain, in brief, the important provisions of the Bill, namely:-

Clause 2 of the Bill proposes to amend sub-sections (5), (6) and (7) of section 5 of the Bombay Provincial Municipal Corporations Act, 1949 to provide for reservation of, as nearly as may be one-half of the total number of seats including the seats reserved for Scheduled Castes, Scheduled Tribes and Backward Classes, for women in the Municipal Corporations of the State.

Sub-clause (2) of clause 4 of the Bill proposes to amend sub-section (3) of section 6 of the Gujarat Municipalities Act, 1963 to provide for reservation of, as nearly as may be one-half of the total number of seats including seats, reserved for Scheduled Castes, Scheduled Tribes and Backward Classes for women in the Municipalities of the State.

Sub-clause (1) of clause 4 proposes to amend sub-section (2) of section 6 of the said Act, to increase the seats of the municipalities so as to make it easy to calculate the 50% reservation of seats for women.

In clauses 3, 5 and 9 of the Bill, it has made obligatory for a voter of the respective institute of local self-Government to cast his vote in favour of none of the candidates where he does not want to cast his vote in favour of any candidate contesting election. The election officer designated by the State Election Commission may declare such voter as defaulter voter who failed to vote at such election. A provision for appeal against the order of the election officer is also provided. Power is taken to the State Government to prescribe by rules, the disadvantages or consequences to be suffered by the defaulter Voter.

Clauses 6, 7 and 8 of the Bill, respectively propose to amend sub-sections (4) and (5) of section 9, sub-sections (4) and (5) of section 10 and sub-sections (4) and (5) of section 11 of the Gujarat Panchayats Act, 1993 to provide for reservation of as nearly as may be one-half of the total number of seats including seats reserved for Scheduled Castes, Scheduled Tribes and Backward Classes for women in all the three tiers of panchayats of the State and also to increase the seats of the village panchayats from 7 to 8, in taluka panchayats from 15 to 16 and in district panchayat, from 17 to 18 so as to make it easy to calculate the 50% reservation of seats for women.

Clauses 10, 11 and 12 of the Bill, respectively proposes to amend section 51(2)(b)(i) and (ii), section 63(2)(b)(i) and (ii) and section 77(2)(b)(i) and (ii) of the Gujarat Panchayats Act, 1993 to provide for reservation of as nearly as may be one-half of the total number of seats of office bearers of the panchayats in the State for women.

It is provided in *clause 13* that the proposed increase in reservations of seats for women would not affect to existing municipal corporations, municipalities and panchayats which are constituted before the commencement of this amending Act. Clause 13 of the Bill provides for the same.

NITIN PATEL,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative power in the following respects:-

Clause 1. - Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the remaining provisions of the Act shall come into force and also empowers to appoint different dates for different provisions of the Act.

Clause 3. -(i) Sub-section (2) of new section 16A proposed to be inserted in the Bombay Provincial Municipal Corporations Act, 1949 by this clause empowers the State Government to prescribe by rules, the manner in which the qualified voter shall require to cast his vote in favour of none of the candidates contesting election;

(ii) sub-section (1) of new section 16B proposed to be inserted in the said Act by this clause empowers the State Government to prescribe by rules, the form in which the Election Officer shall give a notice to the voter declaring him to be the defaulter voter;

(iii) sub-section (2) of new section 16B proposed to be inserted in the said Act by this clause empowers the State Government to prescribe by rules, the disadvantages or consequences to be suffered by a defaulter voter;

(iv) clause (3) of new section 16C proposed to be inserted in the said Act by this clause empowers the State Government in consultation with the State Election Commissioner, to prescribe by rules, the other valid and sufficient reasons under which a qualified voter shall be exempted from voting;

(v) sub-section (2) of new section 16E proposed to be inserted in the said Act by this clause empowers the State Government to prescribe by rules, the form of appeal in which the aggrieved voter shall prefer an appeal to the Appellate Officer.

Clause 5. -(i) Sub-section (2) of new section 15A proposed to be inserted in the Gujarat Municipalities Act, 1963 by this clause empowers the State Government to prescribe by rules, the manner in which the qualified voter shall require to cast his vote in favour of none of the candidate contesting election;

(ii) sub-section (1) of new section 15B proposed to be inserted in the said Act by this clause empowers the State Government to prescribe by rules, the form in which the Election Officer shall give a notice to the voter declaring him to be the defaulter voter.

(iii) sub-section (2) of new section 15B proposed to be inserted in the said Act by this clause empowers the State Government to prescribe by rules, the disadvantages or consequences to be suffered by a defaulter voter;

(iv) clause (3) of new section 15C proposed to be inserted in the said Act by this clause empowers the State Government in

consultation with the State Election Commissioner, to prescribe by rules, the other valid and sufficient reasons under which a qualified voter shall be exempted from voting;

(v) sub-section (2) of new section 15E proposed to be inserted in the said Act by this clause empowers the State Government to prescribe by rules, the form of appeal in which the aggrieved voter shall prefer an appeal to the Appellate Officer.

Clause 9. -(i) Sub-section (2) of new section 34A proposed to be inserted in the Gujarat Panchayats Act, 1993 by this clause empowers the State Government to prescribe by rules, the manner in which the qualified voter shall require to cast his vote in favour of none of the candidate contesting election;

(ii) sub-section (1) of new section 34B proposed to be inserted in the said Act by this clause empowers the State Government to prescribe by rules, the form in which the Election Officer shall give a notice to the voter declaring him to be the defaulter voter;

(iii) sub-section (2) of new section 34B proposed to be inserted in the said Act by this clause empowers the State Government to prescribe by rules, the disadvantages or consequences to be suffered by a defaulter voter;

(iv) clause (3) of new section 34C proposed to be inserted in the said Act by this clause empowers the State Government in consultation with the State Election Commissioner, to prescribe by rules, the other valid and sufficient reasons under which a qualified voter shall be exempted from voting;

(v) sub-section (2) of new section 34E proposed to be inserted in the said Act by this clause empowers the State Government to prescribe by rules, the form of appeal in which the aggrieved voter shall prefer an appeal to the Appellate Officer.

The delegation of legislative power as aforesaid is necessary and is of a normal character.

Dated the 14th December, 2009.

NITIN PATEL.

By order and in the name of the Governor of Gujarat,

Gandhinagar,

Dated the 14th December, 2009.

H. D. VYAS,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs
Department.